

MALTA

ATT Nru. XII ta' l-1991

ATT mahruġ b'liġi mill-Parlament ta' Malta.

ATT biex jipprovdi ghar-regolament ta' kull xandir ta' smiġh u ta' televiżjoni f'Malta; kif ukoll sabiex jipprovdi dwar is-setgħat, dmirijiet u risorsi finanzjarji ta' l-Awtorità tax-Xandir imwaqqfa skond il-Kostituzzjoni; sabiex jipprovdi dwar it-twettiq u l-adempiment mill-Awtorità ta' funzjonijiet b'zieda ma' dawk stabbiliti mill-Kostituzzjoni; liema funzjonijiet jinkludu l-hruġ ta' liċenzji għat-thaddim ta' servizzi tar-radju u tat-televiżjoni f'Malta; sabiex jipprovdi dwar dawk is-setgħat kollha li jistgħu jinhtieġu sabiex l-Awtorità tkun tista' twettaq il-funzjonijiet tagħha skond il-Kostituzzjoni u dan l-Att; u sabiex jipprovdi dwar hwejjeġ anċillari jew li għandhom x'jaqsmu mal-hwejjeġ fuq imsemmija.

ACT No. XII of 1991

AN ACT enacted by the Parliament of Malta.

AN ACT to make provision for the regulation of all sound and television broadcasting services in Malta; as well as to provide for the powers, duties and financial resources of the Broadcasting Authority set up in accordance with the Constitution; to provide for the exercise and performance by the Authority of functions in addition to those established by the Constitution, which functions shall include that of issuing licences in respect of radio and television services in Malta; to make provision in respect of all such powers as may be necessary in order for the Authority to fulfil its functions in accordance with the Constitution and this Act; and to make provision in respect of matters ancillary thereto or connected therewith.

ATT TA' L-1991 DWAR IX-XANDIR

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Naghti l- kunsens tiegħi.

(L.S.)

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President

24 ta' Meju, 1991

ATT Nru. XII ta' l-1991

Att biex jipprovdi għar-regolament ta' kull xandir ta' smigh u ta' televiżjoni f' Malta; kif ukoll sabiex jipprovdi dwar is-setgħat, dmirijiet u risorsi finanzjarji ta' l-Awtorità tax-Xandir imwaqqfa skond il-Kostituzzjoni; sabiex jipprovdi dwar it-tweqqif u l-adempiment mill-Awtorità ta' funzjonijiet b'zieda ma' dawk stabbiliti mill-Kostituzzjoni, liema funzjonijiet jinkludu l-hruġ ta' liċenzji għat-thaddim ta' servizzi tar-radju u tat-televiżjoni f' Malta; sabiex jipprovdi dwar dawk is-setgħat kollha li jistgħu jinhtiegu sabiex l-Awtorità tkun tista' twettaq il-funzjonijiet tagħha skond il-Kostituzzjoni u dan l-Att; u sabiex jipprovdi dwar hwejjeġ anċillari jew li għandhom x'jaqsmu mal-hwejjeġ fuq imsemmija.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'ligi dan li ġej:-

TAQSIMA I
Preliminari

1. (1) Dan l-Att jista' jissejjah Att ta' l-1991 dwar ix-Xandir. Titolu fil-qosor u bidu fis-sehħ

(2) Dan l-Att għandu jibda jsehħ f'dik id-data li l-Prim Ministru jista' b'avviż fil-Gazzetta tal-Gvern jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti u għanijiet differenti ta' dan l-Att.
2. F'dan l-Att, sakemm ir-rabta tal-kliem ma tehtieġx xort'ohra – Tifsir

“l-Awtorità” tfisser l-Awtorità tax-Xandir imwaqqfa bl-artikolu 118 tal-Kostituzzjoni;

“Malta” għandha l-istess tifsir mogħti lilha bl-artikolu 124 tal-Kostituzzjoni;

“Ministru” sakemm ma jintweriex mod ieħor, tfisser il-Ministru responsabbli għall-Kultura;

“persuna” tinkludi wkoll korp magħqud imwaqqaf b'ligi u tinkludi wkoll dipartiment tal-Gvern;

“Pjan Nazzjonali għax-Xandir” tfisser il- Pjan Nazzjonali għax-Xandir kontenut fit-Tieni Skeda ta' dan l-Att;

“programmi mxandra mill-Awtorità” tinkludi programmi mxandra f'isem l-Awtorità skond id-dispożizzjonijiet ta' dan l-Att;

“reklamar” tfisser kull għamla ta' thabbira mxandra bil-għan li ġġib 'il quddiem il-bejgħ, ix-xiri jew il-kiri ta' prodott jew servizz, li tippromovi kawza

jew idea jew li ggib fis-sehh xi effett iehor mixtieq minn min jirreklama, li ghalha jkun inghata zmien ta' trasmissjoni lil min jirreklama bi hlas jew konsiderazzjoni simili;

“ritrasmissjoni” tfisser tirċievi u tittrasmetti simultanjament, irrispettivament mill-mezzi tekniċi mhaddmin, servizzi ta' programmi tar-radju jew tat-televiżjoni shaħ u mhux mittiefa, jew partijiet importanti ta' dawk is-servizzi, trasmessi minn xandara għalbiex jiġu riċevuti mill-pubbliku in ġenerali;

“sena finanzjarja” tfisser il-perijodu ta' tmax-il xahar li jintemm fil-wiehed u tletin jum ta' Diċembru ta' kull sena;

“servizz tar-radju fil-komunita`” tfisser servizz tar-radju intiż biex jaqdi l-bżonnijiet ta' komunita` jew lokalita` partikulari u li għandu medda ta' riċezzjoni limitata;

“servizz tar-radju mal-pajjiż kollu” tfisser servizz bir-radju intiż biex jaqdi l-bżonnijiet tal-pajjiż kollu u li għandu medda ta' riċezzjoni li tintlahaq minn Malta kollha;

“sponsorship” tfisser il-parteciċipazzjoni ta' persuna naturali jew ġuridika li mhux involuta fix-xandir bit-televiżjoni jew fil-produzzjoni ta' xoghlijiet awdjovizivi, fl-iffinanzjar dirett jew indirett ta' programm jew it-trasmissjoni tiegħu, bil-ghan li jingieb 'il quddien l-isem, trade mark jew dehra ta' dik il-persuna;

“tekniki *subliminal*” tfisser sistemi tekniċi li, bl-użu ta' immagini għal zmien qasir hafna jew b'kull mezz iehor, jisplojtaw il-possibbiltà li twassal messaggġ lil, jew mod iehor tinfluwixxi l-imhuh ta' membri ta' udjenza minghajr ma huma stess jindunaw, jew jindunaw bis-shih, b'dak li jkun ġara;

“xandira” tfisser it-trasmissjoni li tibda biex issir bil-fili jew bil-mewġ fl-arja, maghduda dik li ssir bis-satellita, f'ghamla sew bil-code jew minghajr code, ta' programmi tar-radju jew televiżjoni maħsuba biex tkun irċevuta mill-pubbliku, iżda ma tinkludix ritrasmissjonijiet u servizzi ta' komunikazzjoni li jipprovdu sensiliet ta' tagħrif jew messaggġi oħra li jsiru b'talba individwali, bħal ma huma telecopying banek ta' informazzjoni elettroniki u servizzi oħra simili.

TAQSIMA II Funzjonijiet u Għamla ta' l-Awtorità tax-Xandir

L-Awtorità tax-Xandir

3. (1) Minghajr preġudizzju u b'żieda mal-funzjonijiet taħt l-artikolu 119 tal-Kostituzzjoni, l-Awtorità jkollha l-funzjoni li tirregola servizzi ta' xandir ta' smiġh u ta' televiżjoni f'Malta u li tohroġ liċenzji għall-ghoti ta' dawk is-servizzi skond dan l-Att.

(2) L-Awtorità jkollha wkoll il-jedd li tagħti hi nnifisha jew permezz ta' kuntratturi tax-xandir, skond id-dispożizzjonijiet ta' dan l-Att, servizzi ta' xandir ta' smiġh u televiżjoni f'Malta.

(3) L-Awtorità għandha b'żieda mas-setgħat l-oħra tagħha tassumi, minn data jew dati stipulati bil-miktub mill-Prim Ministru, dawk il-jeddijiet u dmirijiet

li johorġu minn kull ftehim bejn il-Gvern ta' Malta u operaturi bil-fil jew b'kull mod ieħor kif il-Prim Ministru jista' jispesjifika minn żmien għal żmien.

(4) Is-servizzi msemmija fis-subartikolu (2) ta' dan l-artikolu jistgħu jiġu provduti għal u f'isem l-Awtorità minn kuntratturi tax-xandir li, b'kuntratt ma' l-Awtorità, jkollhom bi hlas lill-Awtorità u bla ħsara għad-dispożizzjonijiet ta' dan l-Att, id-dritt u d-dmir li jipprovdu dawk is-servizzi għal u f'isem l-Awtorità.

(5) L-Awtorità ma tista' toħroġ ebda liċenzja jew tagħmel xi kuntratt skond is-subartikolu (4) ta' dan l-artikolu fuq bażi eskusiva, u kull provvediment li jkun jagħti din l-esklusivita' sew jekk kuntrattat jew mogħti qabel jew wara d-dhul fis-seħħ ta' dan l-Att għandu jitqies bħala null u ta' ebda effett, mingħajr preġudizzju għad-dispożizzjonijiet l-oħra kollha tal-kuntratt jew tal-liċenzja li b'ebda mod ma jkunu jmorru kontra d-dispożizzjonijiet tas-subartikolu.

(6) L-Awtorità jkollha wkoll il-jedd li tahtar kuntrattur separat sabiex jipprovdi servizz biex jiġi trasmess jew separatament jew bil-mezz provdut mill-kuntratturi l-oħra, li jkun marbut li jagħti dak is-servizz f'dawk il-hinijiet u taht dawk il-kundizzjonijiet li tista' tistipula l-Awtorità u dan billi jithallsu dawk id-drittijiet jew bis-saħħa ta' dawk il-kunsiderazzjonijiet l-oħra li l-Awtorità tista' tistabbilixxi li għandhom jingħataw lilha jew lill-kuntrattur li jkun qiegħed jipprovdi s-servizz.

4. (1) L-Awtorità tkun korp magħqud li jkollu personalita' legali distinta u li tkun tista', salvi d-dispożizzjonijiet ta' dan l-Att, tagħmel kuntratti, takkwista, iżzomm u tiddisponi minn propjeta' għall-finijiet tal-funzjonijiet tagħha, li tharrek u titharrek, u li tagħmel dawk il-hwejjeġ kollha u dawk it-transazzjonijiet, irbit u obbligi kollha li jkunu inċidentali jew iwasslu għall-eżerċizzju jew qadi tal-funzjonijiet tagħha.

Status ta' l-Awtorità

(2) Qiegħed b'dan jiġi preskritt li n-numru ta' membri ta' l-Awtorità, barra mic-Chairman, għandu jkun mhux anqas minn erbgħa u mhux iżjed minn sitta.

(3) Kull hatra li ssir fl-Awtorità għandha tiġi pubblikata fil-Gazzetta tal-Gvern.

(4) Ir-rappreżentanza ġuridika ta' l-Awtorità tkun vestita fic-Chairman jew f'dak il-membri ieħor jew dawk il-membri oħra ta' l-Awtorità li l-Awtorità tista' tistabbilixxi b'riżoluzzjoni pubblikata fil-Gazzetta tal-Gvern:

Iżda l-Awtorità tista' tiddelega taht id-direzzjoni ġenerali tagħha kull setgħa li għandha, li ma tkunx setgħa msemmija fis-subartikolu (1) ta' l-artikolu 119 tal-Kostituzzjoni, lil kull wieħed mill-membri tagħha jew lil kull wieħed mill-uffiċjali jew impjegati tagħha u tista' tawtorizza lil dawk il-persuni sabiex jidhru f'kull kuntratt, att jew kitba oħra li ssir għall-Awtorità u f'isimha, u sabiex jiffirmaw għaliha jew f'isimha kull kuntratt, att jew kitba bħal dawk, kif ukoll kull dokument ieħor, magħdudin, cheques u kambjali oħrajn, u l-Awtorità tista' wkoll tirratifika u taċċetta kull haġa li ssir għaliha u f'isimha mingħajr awtorizzazzjoni bħal dik.

(5) Kull dokument intiż li jkun kitba magħmula jew mahruġa mill-Awtorità u iffirmit mic-Chairman f'isem l-Awtorità għandu jintlaqa' b'xhieda u għandu, sakemm jiġi pruvat li mhuwiex hekk, jitqies li hu kitba magħmula jew

mahruga f'isem l-Awtorità.

Chief Executive
ta' l-Awtorità

5. (1) Ghandu jkun hemm Chief Executive ta' l-Awtorità li jinhatar wara li ssir sejha pubblika għal applikazzjonijiet mill-Awtorità minn fost persuni li kellhom esperjenza ta' kif jiġu trattati hwejjeġ li għandhom x'jaqsmu max-xandir u li jkunu wrew kapaċità f'dan.

(2) Persuna ma tkunx kwalifikata li żżomm kariga, jew li taġixxi fiha, bħala Chief Executive jekk tkun skwalifikata mill-kariga ta' membru ta' l-Awtorità.

(3) Taht id-direzzjoni generali tagħha, l-Awtorità tista' tiddelega liċ-Chief Executive dawk is-setgħat u dmirijiet tagħha li jidhruha mehtieġa jew xierqa biex tagħtih setgħa li jmexxi x-xogħol ta' l-Awtorità.

(4) Il-hatra ta' persuna fil-kariga ta' Chief Executive, jew biex taġixxi f'dik il-kariga, għandha tiġi pubblikata fil-Gazzetta.

(5) Ebda haġa f'dan l-artikolu ma għandha toqot il-validità ta' xi hatra għall-kariga ta' Chief Executive magħmula validament qabel id-dhul fis-seħh ta' dan l-Att.

Assenza temporanja
ta' Chief Executive

6. (1) Meta ċ-Chief Executive ikun temporanjament assenti minn Malta jew ikun temporanjament inkapaċitat milli jaqdi l-funzjonijiet tal-kariga tiegħu, l-Awtorità tista' tahtar persuna sabiex taġixxi ta' Chief Executive għal matul dak il-perijodu ta' assenza jew inkapaċità.

(2) Persuna mahtura skond l-aħhar subartikolu qabel dan tista' teżerċita s-setgħat kollha mogħtija liċ-Chief Executive, mid-data tal-hatra tagħha.

(3) Il-persuna mahtura skond is-subartikolu (1) ta' dan l-artikolu m'għandhiex tkun persuna li tkun skwalifikata milli tokkupa l-kariga ta' membru ta' l-Awtorità.

Rimunerazzjoni

7. L-Awtorità għandha tħallas lil kull wiehed mill-membri tagħha għall-kariga tagħhom li jkunu qegħdin jokkupaw, minn flejjes disponibbli lil l-Awtorità taht l-artikolu 24, dik ir-rimunerazzjoni li l-President fuq il-parir tal-Prim Ministru jista' minn żmien għal żmien jistabbilixxi.

Proċedimenti tal-laqgħat
ta' l-Awtorità

8. (1) Il-laqgħat ta' l-Awtorità għandhom jissejju miċ-Chairman, jew b'inizjattiva tiegħu jew wara li ssir talba ta' tnejn mill-membri l-oħra li jkunu.

(2) L-Awtorità tista' taġixxi minkejja kull vakanza li jista' jkun hemm fost il-membri tagħha.

(3) Il-quorum ta' l-Awtorità jintgħamel minn nofs l-ghadd ta' membri tagħha.

(4) Iċ-Chairman ikollu vot originali u, fil-każ ta' għadd ta' voti ndaq, casting vote; fl-assenza ta' Chairman, il-membri l-oħra tal-bord jahtu wiehed minn fosthom sabiex imexxi l-laqgħa, u dak il-membri jkollu għal dik il-laqgħa l-istess jeddijiet daqs iċ-Chairman.

(5) Membru ta' l-Awtorità li b'xi mod dirett jew indirett ikollu interess f'kuntratt magħmul jew propost li jsir mill-Awtorità għandu, kemm jista' jkun

malajr wara li ċ-ċirkostanzi rilevanti jsir jaf bihom, jiddikjara x-xorta ta' interess tiegħu fl-ewwel laqgħa ta' l-Awtorità wara li l-fatti rilevanti jkun sar jaf bihom.

(6) Kull dikjarazzjoni magħmula taħt is-subartikolu (5) ta' dan l-artikolu għandha titnizzel fil-minuti ta' l-Awtorità, u l-membri -

- (a) ma għandux jiehu sehem, wara li jkun għamel dik id-dikjarazzjoni, f'xi diskussjoni jew deċiżjoni ta' l-Awtorità dwar dak il-kuntratt; u
- (b) ma għandux jitqies għall-fini li jintgħamel quorum ta' l-Awtorità għal dik id-diskussjoni jew deċiżjoni.

(7) Bla hsara għad-dispożizzjonijiet tal-Kostituzzjoni u ta' dan l-Att, l-Awtorità tista' tirregola l-proċedimenti tagħha stess.

(8) Ebda membru ta' l-Awtorità ma għandu jiehu sehem regolarment fix-xandir.

(9) Ebda membru ta' l-Awtorità ma għandu jkun azzjonist ma' xi operaturi, detenturi ta' liċenzja jew kuntrattur fix-xandir, u anqas ma jista' jkollu x'jaqşam ma' l-amministrazzjoni ta' xi servizz tax-xandir.

(10) Id-dispożizzjonijiet tas-subartikoli (5) sa (9) ta' dan l-artikolu għandhom japplikaw għall-persuna ta' Chief Executive daqs li kieku r-riferenza hemm magħmula għall-membri kienet tinkludi referenzi għall-persuna ta' Chief Executive.

9. Bla hsara għad-dispożizzjonijiet tal-Kostituzzjoni u ta' kull liġi oħra li tapplika, l-Awtorità tista' tahtar segretarju u dawk l-uffiċjali u impjegati l-oħra li tista' tqis xierqa. Il-patti u kundizzjonijiet ta' l-ingaġġ ta' dak l-istaff, u ta' Chief Executive, għandhom ikunu bħal dawk ta' impjegati fis-servizz tal-Gvern u għandhom jiġu stabbiliti mill-Awtorità bi ftehim mal-Prim Ministru: Matriet ta' staff

Iżda ebda haġa f'dan l-artikolu ma għandha titqies li tipprekludi t-twaqqif, mill-Awtorità bl-approvazzjoni tal-Prim Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, ta' skemi ta' inċentivi li għandhom x'jaqsmu mal-produttività jew mat-twettiq ta' xogħol.

TAQSIMA III Liċenzji tax-xandir

10. (1) Hadd ma jista' jipprovdi servizzi ta' xandir ta' smiġ u ta' televiżjoni f'Malta għal Malta jew kull parti minnha mingħajr ma jkollu liċenzja bil-miktub mill-Awtorità, hawnhekk iżjed 'il quddiem imsejja "liċenzja tax-xandir". Hruġ ta' liċenzji tax-xandir

(2) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, liċenzja tax-xandir maħruġa taħt dan l-artikolu tista' tinhareġ taħt dawk il-patti, kundizzjonijiet u limitazzjonijiet li l-Awtorità tista' tqis li jkunu xierqa.

(3) Il-liċenzji jistgħu jkunu ta' klassijiet jew deskrizzjonijiet partikulari u għandhom b'mod partikulari jinkludu liċenzji għal:

- (a) servizzi tar-radju mal-pajjiż kollu; u

(b) servizzi tar-radju fil-komunità.

(4) Liċenzja għal xi servizz ta' xandir tista' biss tinghata lil soċjetà regolament kostitwita f'Malta skond il-liġi li għandha x'taqsam mas-soċjetajiet kummerċjali li f'dak iż-żmien tkun fis-sehħ f'Malta li, fil-każ ta' liċenzja għal servizz ta' radju fil-komunità tkun proprjetà assoluta ta' ċittadini Maltin ordinarjament residenti f'Malta, u fil-każi l-oħra kollha, ikollha maġġoranza tal-ishma bid-dritt tal-vot tagħha kontrollati minn dawk iċ-ċittadini:

Iżda liċenzji għal servizzi tar-radju fil-komunità jistgħu jinghataw ukoll lil individwi li huma ċittadini ta' Malta u li huma ordinarjament residenti f'Malta.

(5) Ebda organizzazzjoni, persuna jew kumpanija ma tista' tippossjedi, tikkontrolla jew tkun ukoll responsabbli għal iktar minn liċenzja tax-xandir wahda mahruġa taht dan l-Att:

Iżda l-Gvern jista', permezz ta' kumpanija msemmija mill-Ministru, b'avviż fil-Gazzetta, bhala kumpanija li tipprovi servizzi tax-xandir pubbliku, jippossjedi, jikkontrolla jew ikun ukoll responsabbli għal iktar minn servizz tax-xandir wiehed:

Iżda iktar, il-Gvern ma jistax jippossjedi servizzi tax-xandir jew jipparteċipa fil-pussess tagħhom hlief permezz ta' kumpanija bhal dik, u ebda kumpanija oħra li fiha l-Gvern għandu sehem biżżejjed biex jikkontrolla ma jista' jkollha ishma bi dritt għall-vot f'kumpanija li tipprovi xi servizz ta' xandir.

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(6) Meta d-detentur ta' liċenzja tkun soċjetà, hadd ma jista' jaġixxi bhala direttur ta' dik is-soċjetà hlief jekk ikun kwalifikat skond l-Att dwar l-Istampa sabiex ikun editur ta' gazzetta.

(7) Id-detentur ta' liċenzja ta' servizz ta' radju fil-komunità għandu qabel il-15 ta' Jannar ta' kull sena kalendarja jiddikjara bil-miktub lill-Awtorità l-hsieb tiegħu li jkompli jipprovi servizzi ta' xandir fuq il-frekwenza speċifikata fil-liċenzja tiegħu għal sena oħra.

(8) Liċenzji għas-servizzi msemmija fis-subartikolu (1) għandhom jinkludu l-kundizzjonijiet msemmija fl-Ewwel Skeda li tinsab ma' dan l-Att:

Iżda s-servizzi ta' radju fil-komunità għandhom ikunu suġġetti għall-inqas regolament possibli konsistenti ma' l-interess pubbliku u li dawk is-servizzi jkunu suġġetti għal kundizzjonijiet li, meqjusin flimkien, ikunu inqas tqal minn dawk provduti għal servizzi tar-radju mal-pajjiż kollu.

(9) Mingħajr preġudizzju għall-ġeneralità ta' dak imsemmi qabel, liċenzja tista' b'mod partikolari tkun suġġetta għal-limitazzjonijiet dwar l-iktar żmien, l-inqas żmien, jew sew l-iktar u l-inqas żmien, li għandu jirrhata kuljum għal xandiriet mid-detentur ta' liċenzja, u dwar is-siġhat tal-jum li matulhom dawk ix-xandiriet jistgħu jew ma jistgħux isiru, u jkun id-dmir tad-detentur tal-liċenzja li jikkonforma ruħu ma' dawk il-limitazzjonijiet jew kundizzjonijiet oħra.

(10) Mal-ksur ta' kull patt, kundizzjoni jew limitazzjoni marbutin ma' liċenzja tax-xandir, kull min jikkommetti dak il-ksur ikun ha' ta' reat kontra dan l-Att.

(11) Liċenzja tax-xandir, sakemm din ma tkunx giet qabel revokata mill-

Awtorità, ghandha tkompli fis-sehħ għal dak il-perijodu li jista' jiġi speċifikat fil-liċenzja, sakemm dak il-perijodu ma jkunx jaqbeż it-tmien snin:

Iżda detentur ta' liċenzja jista', mhux aktar kmieni minn sena qabel l-iskadenza ta' liċenzja, japplika għal liċenzja oħra, u dik il-liċenzja ma ghandhiex tinčaħad mingħajr raġuni valida.

11. (1) Meta l-Awtorità tkun qed tohroġ il-liċenzji tax-xandir, hija ghandha tqis dawn il-kunsiderazzjonijiet -

Kunsiderazzjonijiet
li fuqhom timxi l-Awtorità
fil-ħruġ ta' liċenzji tax-xandir.

- (a) illi l-prinċipji ta' libertà ta' espressjoni u pluraliżmu jkunu l-prinċipji bażiċi li jirregolaw l-ghoti ta' servizzi tax-xandir f'Malta;
- (b) illi sistema diversa ta' stazzjonijiet pubbliċi u privati bil-karattru partikolari tagħhom tkun l-aħjar sistema għar-realizzazzjoni tal-prinċipji bażiċi fuq imsemmija;
- (c) illi stazzjonijiet privati jithallew jaħdmu b'mod tali li jassiguraw distribuzzjoni ta' programmar li jappella għal interessi ġenerali kif ukoll dawk speċifiċi u diversi, u dan fil-qafas ta' pjan nazzjonali għax-xandir li bih jiġu allokat i diversi frekwenzi. It-Tieni Skeda li tinsab ma' dan l-Att tkun dan il-Pjan ta' Xandir Nazzjonali u dan għandu jiffassal, u minn żmien għal żmien jiġi rivedut, mill-Ministru flimkien mal-Ministru responsabbli għat-telegrafija mingħajr fili;
- (d) illi ma tiġix permessa sitwazzjoni ta' monopolju jew xi sitwazzjoni simili ta' grupp żgħir ta' persuni favur xi stazzjon jew grupp ta' stazzjonijiet; u
- (e) illi fl-ghoti ta' liċenzji lil persuni differenti fuq il-frekwenzi differenti allokat i lilha skond l-artikolu 18 ta' dan l-Att, hija ghandha wkoll tikkonsidra l-possibilità ta' xandir bil-fili jew permezz ta' daw k il-metodi teknoloġiċi oħra li jistgħu jkunu possibbli.

(2) L-Awtorità ghandha b'mod speċifiku tikkonsidra:

- (a) illi l-kriterji għall-eżami ta' applikazzjonijiet għal-liċenzji jinkludu:
 - (i) potenzjal ekonomiku u viabilità
 - (ii) kwalità ta' programmar skedat, u
 - (iii) pjanijiet u proġetti teknoloġiċi u tax-xandir;
- (b) illi d-detentur ta' liċenzja jkun kapaċi jwettaq l-obbligi kollha tiegħu taħt dan l-Att u li jassigura konformità mad-direttivi kollha ta' l-Awtorità hekk kif l-Awtorità tista' tqis meħtieġ jew spedjenti għat-twettiq xieraq tal-funzjonijiet imsemmija fl-artikolu 119 tal-Kostituzzjoni.

(3) Applikant li l-applikazzjoni tiegħu tiġi rifjutata u li jidhiru li l-Awtorità ma aġixxiet skond ir-regoli tal-gustizzja naturali, jew li aġixxiet b'manjera grossolosament irragonevoli jew li iddiskriminat mingħajr raġuni kontra tiegħu, jew li l-applikazzjoni tiegħu tkun ilha pendenti għal mill-inqas erba' xhur, jista' jappella kontra din id-deċiżjoni jew dewmien lill-Qorti ta' l-Appell skond il-proċeduri fis-subartikoli (5), (6), (7), (9) u (10) ta' l-artikolu 16 ta' dan l-Att.

(4) Applikazzjonijiet li jsiru skond dan l-Att ghal liċenzji biex jipprovdu servizzi tar-radju mal-pajjiż kollu li jaslu għand l-Awtorità qabel il- 5.00 p.m. tal-10 ta' Ġunju, 1991, għandhom jiġu deċiżi mill-Awtorità qabel jew fit-8 ta' Novembru, 1991.

Jedd ta' l-Awtorità
li xxandar

12. L-Awtorità għandha, bla hsara għad-dispożizzjonijiet ta' dan l-Att, is-setgħa wkoll li tagħmel dawk il-hwejjeġ kollha li huma fil-fehma tagħha meħtieġa jew li jwasslu għat-twettiq xieraq tal-jedd tagħha taht is-subartikolu (2) ta' l-artikolu 3 ta' dan l-Att u, b'mod partikolari, hija għandha bil-għan li twettaq dak il-jedd, ikollha setgħa, jekk ikun hekk jidhrilha —

- (a) li tistabbilixxi, tinstalla u tuża stazzjonijiet għall-ghoti ta' servizzi tax-xandir;
- (b) li tagħmel arrangamenti għall-forniment u tagħmir ta' studios u fondi ohrajn għall-finijiet ta' xandir ta' smigh u ta' televiżjoni, jew jekk ikun meħtieġ hi stess tformi u tghammar dawk l-studios u fondi ohrajn;
- (ċ) li tiġbor u xxandar aħbarijiet u tagħrif f' Malta u minn kull parti tad-dinja;
- (d) li jgħib 'il quddiem il-kapaċitajiet ta' persuni fix-xandir billi tipprovdi, jew tassisti ohrajn jipprovdu, faċilitajiet għal taħriġ, edukazzjoni u riċerka.

Dispożizzjonijiet ġenerali
dwar l-ghoti ta' servizzi
tax-xandir f' Malta u dwar
id-dmirijiet ta' l-Awtorità
dwar dan.

13. (1) Ikun id-dmir ta' l-Awtorità li twettaq il-funzjonijiet tagħha taht dan l-Att għar-rigward tal-liċenzjar tas-servizzi msemmija fis-subartikolu (1) ta' l-artikolu 3 bil-mod li tqis bħala li hu l-aħjar sabiex tassigura li taqsima wiesgħa ta' dawn is-servizzi tkun disponibbli ma' Malta kollha.

(2) Ikun id-dmir ta' l-Awtorità li tissodisfa lilha nnifisha illi, kemm jista' jkun, il-programmi mxandra minn persuni li jagħtu servizzi ta' xandir ta' smigh jew ta' televiżjoni f' Malta jkunu konformi ma' dawn il-htigiet li ġejjin, jiġifieri —

- (a) li ma jiddaħhal xejn fil-programmi li joffendi s-sentiment reliġjuż, gosti tajbin jew id-deċenza jew li x'aktarx jinkoraġġixxi jew ihajjar għall-kriminalità jew iwassal għal diżordni jew ikun offensiv għal sentimenti pubbliċi;
- (b) li l-aħbarijiet kollha mogħtija fil-programmi (f'liema għamla tkun) jiġu preżentati bl-eżattezza dovuta;
- (ċ) li jingħata hin biżżejjed lill-aħbarijiet u avvenimenti kurrenti u li l-aħbarijiet kollha fil-programmi (f'liema għamla tkun) jiġu preżentati bl-imparzjalità dovuta;
- (d) li proporzjonijiet xierqa ta' materjal rekordjat u materjal ieħor imdaħħal fil-programmi jkunu ta' orijini u għamla Maltija, u li sehem raġonevoli ta' dawk il-programmi jkun bl-ilsien Malti;
- (e) li l-programmi mxandra jkun fihom proporzjon sostanzjali ta' materjal li jkun maħsub sew sabiex jappella għall-interessi, gosti u preferenzi tal-pubbliku in ġenerali; u
- (f) li tinzamm l-imparzjalità dovuta dwar hwejjeġ ta' kontroversja politika

jew industrijali jew li ghandhom x'jaqsmu ma' policy pubblika kurrenti:

Izda, hlief fil-każ ta' servizzi pubbliċi tax-xandir, fl-applikazzjoni tal-paragrafi (ċ) sa (f) ta' dan is-subartikolu, l-Awtorità tista' tikkonsidra l-produzzjoni generali ta' programmi provduti mid-detenturi ta' liċenzja u kuntratturi tax-xandir diversi, ilkoll flimkien bhala haġa wahda.

(3) L-Awtorità għandha tassigura li, matul iż-żmien kollu ta' thaddim tal-liċenzja ta' servizz tar-radju fil-komunità, il-fehmiet u l-espressjonijiet tad-detantur ta' liċenzja jew ta' persuni partikulari jew korpi partikulari, dwar hwejjeġ reliġjużi jew dwar hwejjeġ li huma ta' kontroversja politika jew industrijali jew li ghandhom x'jaqsmu ma' policy pubblika kurrenti ma jippredominawx.

(4) Ikun ukoll id-dmir ta' l-Awtorità li, minn żmien għal żmien torganizza skemi ta' xandiriet politiċi (magħdudin spots politiċi) li jkunu jiddistribwixxu b'mod ġust il-faċilitajiet u ż-żmien bejn il-partiti politiċi diversi rappreżentati fil-Parlament; li tipproduċi diskussjonijiet jew dibattiti li jkunu bilanċjati b'mod ġust li jagħtu opportunità ta' smiġh ta' persuni minn gruppi b'interessi partikulari li jkunu differenti u b'punti di vista differenti, kif ukoll li tipproduċi kummentarji jew programmi oħra dwar materji li ghandhom x'jaqsmu ma' policy pubblika kurrenti, li fihom min ikun qiegħed jieħu sehem jista' jxandar veduti u kummenti differenti.

(5) Sabiex twettaq id-dmir tagħha taht is-subartikolu (4) ta' dan l-artikolu, l-Awtorità għandha b'żieda mas-setgħat kollha tagħha, ikollha l-jedd li tordna lil xi persuna jew lill-persuni kollha li jipprovdu s-servizzi ta' xandir f'Malta intizi biex jiġu riċevuti f'Malta sabiex jagħtu, mingħajr ebda hlas, kull faċilità ta' recording u faċilitajiet oħra li jistgħu jinhtieġu għall-produzzjoni tal-programmi msemmija għar-radju u għat-televiżjoni, kif ukoll sabiex jittrasmettu, mingħajr ebda hlas, f'dawk il-jiem u f'dawk il-hinijiet li l-Awtorità tistabilixxi, l-istess programmi:

Izda s-setgħat ta' l-Awtorità taht dan is-subartikolu jistgħu biss jithaddmu sakemm dak it-thaddim huwa ġustifikat b'mod raġonevoli f'soċjetà demokratika.

14. (1) Mal-hruġ u t-tiġdid ta' liċenzja tax-xandir u, meta r-regolamenti taht dan l-Att hekk jipprovdu, f'kull żmien wara dak iż-żmien kif jista' jiġi preskritt b'regolamenti, għandu jithallas minn min ikun qiegħed japplika għal dak il-hruġ jew tiġdid dawk l-ammonti li jistgħu jiġu preskritti b'regolamenti, u jistgħu jsiru dispożizzjonijiet differenti f'dawk ir-regolamenti għar-rigward ta' liċenzji differenti, skond ix-xorta, patti, kundizzjonijiet, limitazzjonijiet u perijodu ta' validità tagħhom:

Filas ta' drittijiet għal-liċenzja tax-xandir.

Izda r-regolamenti magħmulin jista' jkun fihom dispożizzjonijiet li jawtorizzaw, f'dawk il-każijiet li ma jkunux mod ieħor imsemmija fir-regolamenti, il-hlas ta' dawk l-ammonti, sew mal-hruġ jew mat-tiġdid tal-liċenzja jew wara, hekk kif fil-każ partikulari jidhru lill-Awtorità li jkunu xierqa u ġustifikati.

(2) Il-kuntratti bejn l-Awtorità u kuntratturi tax-xandir li jistgħu jinhatru taht artikolu 3 ta' dan l-Att għandhom jipprovdu dwar hlasijiet li jsiru mill-kuntratturi tax-xandir lill-Awtorità.

15. L-Awtorità għandha jedd li tagħti lil kull min ikun qiegħed jagħti, jew ikun responsabbli għall-ghoti ta' xi servizz tax-xandir ta' smiġh jew ta' televiżjoni

Direttivi mill-Awtorità.

f' Malta, dawk id-direttivi bil-miktub li l-Awtorità tista' tqis mehtieġa jew spedjenti għat-tweqqig xieraq tal-funzjonijiet imsemmija fl-artikolu 119 tal-Kostituzzjoni u għall-adempiment xieraq ta' kull dmir ieħor jew funzjoni oħra msemmija f' dan l-Att, magħdud in direttivi li wiehed ma jxandarx, jew li jxandar, jew li jara li tixxandar, jew li jipprova kundizzjonijiet għax-xandir ta' kull haġa msemmija fid-dispożizzjonijiet imsemmija qabel tal-Kostituzzjoni u ta' dan l-Att, u magħdud in direttivi li jehtieġu l-ghoti bil-quddiem ta' scripts u partikularitajiet ta' programmi, l-ghoti ta' recordings ta' programmi u l-ghoti ta' dak it-tagħrif ieħor li l-Awtorità tista' tehtieġ b' mod raġonevoli għall-finijiet imsemmija qabel.

Il-Liċenzji tax-xandir u l-kuntratti mhumiex trasferibbli.

16. (1) Ebda liċenzja tax-xandir jew kuntratt ma għandhom jiġu trasferiti, u l-kontroll ta' soċjetà, jew l-ishma fil-proprjetà ta' soċjetà li lilha jingħata kuntratt jew liċenzja tax-xandir ma jista' jiġi trasferit fis-shuhija tiegħu jew sehem minnu mingħajr il-kunsens bil-miktub mogħti minn qabel mill-Awtorità, liema kunsens ma jistax jinżamm milli jingħata irraġonevolment.

(2) L-Awtorità tista' tehtieġ minn żmien għal żmien mingħand detenturi ta' liċenzja jew kuntratturi tax-xandir, dawk id-dikjarazzjonijiet, prospetti, kontijiet, dokumenti u tagħrif ieħor li l-Awtorità tista' tqis mehtieġa jew konsiljabbli għall-fini li jiġi assigurat li l-htieġ ta' dan l-Att ikunu qegħdin jitwettqu.

(3) Kull liċenzja mahruġa mill-Awtorità kif ukoll kull kuntratt bejn l-Awtorità u kuntrattur tax-xandir għandu jkollhom dawk il-provvedimenti kollha (magħdud in provvedimenti għall-finijiet stabbiliti fl-Ewwel Skeda li tinsab ma' dan l-Att) hekk kif l-Awtorità tqis li jkun mehtieġ jew spedjenti sabiex ikun hemm konformità u tiġi assigurata konformità mad-dispożizzjonijiet ta' dan l-Att.

(4) Mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (3) ta' dan l-artikolu, kull liċenzja mahruġa mill-Awtorità kif ukoll kull kuntratt bejn l-Awtorità u kuntrattur tax-xandir għandu jkollhom provvediment li jkun jirriserva għall-Awtorità l-jedd, jekk ikun hemm xi kontravvenzjonijiet mid-detentur tal-liċenzja tax-xandir jew kuntrattur tax-xandir, li tinnotifika lid-detentur tal-liċenzja jew lill-kuntrattur tax-xandir, b'avviż bil-miktub, li jibda jsehh minnufih jew f'data msemmija fl-avviż, sabiex jiddetermina l-liċenzja jew il-kuntratt, jew jissospendi t-thaddim tal-liċenzja jew tal-kuntratt, skond il-każ, għal dak il-perjodu li jista' jiġi speċifikat fl-avviż jew sakemm jingħata avviż ieħor.

(5) Detentur ta' liċenzja li jhoss ruħu aggravat minn deċiżjoni ta' l-Awtorità biex jissospendi jew jiddetermina l-liċenzja tiegħu skond is-subartikolu (4) ta' dan l-artikolu, jista' jappella kontra dik id-deċiżjoni lill-Qorti ta' l-Appell b'rikors li jiġi preżentat fi żmien hmistax-il jum mid-data tan-notifika li ssirlu dwar id-deċiżjoni ta' l-Awtorità.

(6) Meta jiġi preżentat rikors fiż-żmien stabbilit fis-subartikolu (5), għandha wkoll tiġi notifikata kopja tiegħu lill-Awtorità li għandha fi żmien hmistax-il jum minn dik in-notifika tippreżenta risposta li tiġġustifika d-deċiżjoni tagħha.

(7) Il-Qorti ta' l-Appell għandha, ma' l-iskadenza taż-żmien stabbilit fis-subartikolu li jiġi minnufih qabel dan, jistabbilixxi data għas-smiġh ta' l-appell, li għandu jinqata' b'urġenza.

(8) Il-Qorti ta' l-Appell tista', wara li jsirilha rikors mill-appellant, tordna s-sospensjoni tad-deċiżjoni ta' l-Awtorità filwaqt li l-appell ikun pendent.

(9) Il-Bord imwaqqaf bl-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli dwar appelli li jsiru fil-Qorti ta' l-Appell taht dan l-artikolu, u li jkunu jippreskrivu d-drittijiet li jithallsu għal dawk l-appelli. Kap 12

(10) Meta ma jkunx sar appell validu fiż-żmien stabbilit bis-subartikolu (5) ta' dan l-artikolu, jew meta l-appell ikun gie ċedut jew mhux komplut, jew meta l-kwestjoni tkun inqatgħet mill-Qorti ta' l-Appell, id-deċizjoni dwar is-sospensjoni jew determinazzjoni tal-liċenzja tax-xandir in kwestjoni għandha tkun finali u konklussiva għall-finijiet ta' dan l-Att.

TAQSIMA IV

Rapporti bejn il-Ministru responsabbli għat-Telegrafija mingħajr Fili u l-Awtorità.

17. F'din it-Taqsima:-

Tifsir

“Ministru” għandha l-istess tifsir mogħti lilha fl-artikolu 2 ta' l-Ordinanza dwar it-Telegrafija mingħajr Fili; u Kap. 49

“frekwenzi tax-xandir” tfisser frekwenzi partikulari għat-trasmissjoni ta' sinjali tar-radju, televiżivi u oħrajn, mibgħutin minn eghjun partikulari f'qawwiet partikulari u f'direzzjonijiet partikulari.

18. (1) Il-Ministru jista', b'avviż, jassenja lill-Awtorità għall-fini tal-ghoti ta' servizzi li għandhom jingħataw kif liċenzjati jew kuntrattati minnha taht dan l-Att, dawk il-frekwenzi tax-xandir li jista' jistabbilixxi; u kull frekwenza li tista' tiġi hekk assenjata għandha tittiehed li tkun giet hekk assenjata għall-fini biss li tintuża għall-ghoti ta' dawk is-servizzi. Frekwenzi
tax-xandir

(2) Frekwenza li tiġi assenjata mill-Ministru taht is-subartikolu (1) tista' tiġi hekk assenjata għall-użu f'dik iż-żona jew f'dawk iż-żoni biss li jistgħu jiġu speċifikati mill-Ministru fl-assenjament li jagħmel.

(3) Fl-ghoti ta' liċenzji tax-xandir bir-radju u televiżjoni, l-Awtorità għandha, hliet meta dawk ix-xandiriet ikollhom jiġu esklussivament trasmessi bil-fili, tindika l-frekwenza tax-xandir li għandha tintuża mid-detentur tal-liċenzja, u jkun id-dmir tad-detentur tal-liċenzja li jillimita x-xandiriet tiegħu għal dik il-frekwenza tax-xandir. L-Awtorità għandha, flimkien mal-Ministru, timponi dawk il-kundizzjonijiet li tqis xierqa dwar l-apparat li għandu jintuża mid-detentur tal-liċenzja u l-mod li bih dak it-tagħmir għandu jintuża mid-detentur tal-liċenzja u dak id-detentur għandu jwettaq dawk il-kundizzjonijiet.

(4) L-Awtorità għandha tara li d-detentur ta' liċenzja jillimita t-trasmissjonijiet tiegħu għall-frekwenza tax-xandir indikata fil-liċenzja u li josserva dawk il-kundizzjonijiet li jistgħu jiġu imposti fuqu bis-saħħa tas-subartikolu (3) ta' dan l-artikolu.

(5) Il-Ministru għandu jagħti lill-Awtorità dik l-assistenza teknika li hija tkun tista' raġonevolment tehtiġ fit-tweġtieq ta' dmirietha taht dan l-Att, b'dak il-ħlas li jista' minn żmien għal żmien jinftiehem bejn il-Ministru u l-Awtorità.

TAQSIMA V
Kodiċijiet

Kodiċi ta' reklamar
u sponsorship

19. (1) Ir-reklami għandhom biss jithallew jiddaħħlu fil-programmi mxandra mid-detenturi ta' liċenzja u kuntratturi ta' l-Awtorità sakemm id-dispożizzjonijiet ta' dan l-Att dwar dan jitwettqu. Persuni oħra li jagħtu servizzi tax-xandir f'Malta jithallew jinkludu reklami u sponsorships fil-każ biss li l-Ministru, wara konsultazzjoni mal-Ministru responsabbli għat-telegrafija mingħajr fili, jkun ta direttivi lill-Awtorità dwar dan b'avviż bil-miktub, li jstabbilixxi f'dak l-avviż liema subartikoli jekk ikun hemm, jew liema partijiet minnhom, ta' dan l-artikolu għandu jkollhom effett għal dawk il-persuni oħrajn.

(2) (a) L-Awtorità għandha d-dmir bla ħsara tas-subartikolu (1) ta' dan l-artikolu, li tassigura li dispożizzjonijiet tal-Kodiċi dwar Reklamar u Sponsorship li hemm fit-Tielet Skeda li tinsab ma' dan l-Att ikunu qeghdin jitwettqu.

(b) L-Awtorità tista' minn żmien għal żmien, flimkien mal-Ministru temenda jew tissostitwixxi t-Tielet Skeda li tinsab ma' dan l-Att.

(3) L-Awtorità tista', fit-twettiq tar-responsabbiltà tagħha generali għar-reklamar u metodi ta' reklamar, timponi htigiet dwar ir-reklami u l-metodi ta' reklamar li jissorpassaw il-htigiet imposti mill-kodiċi taht dan l-artikolu.

(4) Il-metodi ta' kontroll imwettqa mill-Awtorità bil-ghan li tassigura li d-dispożizzjonijiet tal-kodiċi taht dan l-artikolu jkunu qeghdin jithaddmu sew, u bil-ghan li tassigura konformità mal-htigiet imposti taht is-subartikolu (3) li jissorpassaw il-htigiet tal-kodiċi, għandhom jinkludu s-setgħa li tagħti direttivi lil kull min jagħti servizzi tax-xandir f'Malta dwar il-kategoriji u deskrezzjonijiet ta' reklami u metodi ta' reklamar li għandhom jithallew barra, jew li għandhom jithallew barra f'ċirkostanzi partikulari, jew dwar it-thollija barra ta' reklam partikulari, jew it-thollija tiegħu barra f'ċirkostanzi partikulari.

(5) L-Awtorità tista' tagħti direttivi lil kull min ikun qiegħed jagħti servizzi tax-xandir f'Malta dwar il-hin meta għandhom jithallew isiru reklami.

(6) Bla ħsara għad-dispożizzjonijiet tas-subartikoli (7), (8) u (9) ta' dan l-artikolu, ebda haġa ma għandha tkun inkluża f'xi programmi mxandra mill-Awtorità jew minn xi persuna oħra li tkun qiegħda tagħti servizzi ta' xandir f'Malta, sew f'reklam sew xort' oħra, li tiddikjara, tissuggerixxi jew timplika (jew li raġonevolment tista' tittiehed li tiddikjara, tissuggerixxi jew timplika) illi xi parti minn xi programm imxandar mill-Awtorità jew minn xi persuna oħra li tkun qiegħda tagħti servizzi ta' xandir f'Malta, skond il-każ, li ma jkunx reklam, tkun ingħatat jew għet suggerita minn xi hadd b'reklam; u, hlief bhala reklam, ebda haġa ma għandha tkun inkluża f'xi programm imxandar mill-Awtorità jew minn xi persuna oħra li tkun qiegħda tagħti servizzi ta' xandir f'Malta, li tista' raġonevolment titqies li tkun għet inkluża fil-programm bi hlas jew għal xi konsiderazzjoni oħra ta' valur lill-persuna konċernata li tkun qiegħda tagħti servizzi ta' xandir f'Malta.

(7) Ebda haġa fis-subartikolu (6) ma għandha tiftiehem li tipprojbixxi sponsorship, shih jew f'parti, ta' xi programm partikulari jew ta' serje ta' programmi sakemm din tkun identifikata biċ-ċar bhala tali bi credits xierqa fil-bidu u/jew fi tmiem-il programm:

Iżda wkoll il-kontenut u l-iskedar ta' programmi skedati ma ghandu f'ebda ċirkostanza jkun influwenzat mill-isponsor b'mod li jolqot ir-responsabbiltà u l-indipendenza editorjali ta' min ikun qieghed ixandar ghar-rigward ta' programmi:

Iżda wkoll programmi ma jistghux jiġu sponsorjati minn persuni naturali jew ġuridiċi li l-attività prinċipali tagħhom hija l-manifattura jew il-bejgħ ta' prodotti, jew l-ghoti ta' servizzi, li reklamar tagħhom huwa mod iehor projiċt:

Iżda wkoll l-isponsorship ta' ahbarijiet u programmi ta' avvenimenti korrenti ma ghandux jiġi permess.

(8) Ebda haġa fis-subartikolu (6) ma ghandha tiftiehem li tipprojbixxi li tiġi mdahhla kull waħda mill-hwejjeg li ġejjin f'xi parti ta' programm imxandar mill-Awtorità jew minn xi persuna oħra li tkun qieghda tagħti servizzi ta' xandir f'Malta, li ma jkunx reklam, jiġifieri:

- (a) items maħsuba biex jagħtu pubbliċità għall-htigiet jew skopijiet ta' xi assoċjazzjoni jew organizzazzjoni mmexxija għal skopijiet ta' karità jew ta' benevolenza;
- (b) rivisti ta' pubblikazzjonijiet letterarji, artistici, jew pubblikazzjonijiet oħra jew produzzjonijiet, magħduda divertimenti kurrenti;
- (c) items li jikkonsistu f'deskrizzjonijiet b'fatti ta' azzjonijiet, grajjiet, postijiet jew hwejjeg, li jkunu items li fil-fehma ta' l-Awtorità jkunu xierqa li jiġu mdahhla minhabba l-interess intrinsiku jew kapaċità ta' tagħlim tagħhom u ma jikkostitwux element ta' reklam mhux xieraq;
- (d) thabbir tal-post ta' xi rappreżentazzjoni inkluża fil-programm jew ta' l-isem u deskrizzjoni tal-persuni li jkollhom x'jaqsmu bħala atturi jew xort'oħra f'xi rappreżentazzjoni bħal dik, thabbir tan-numru u deskrizzjoni ta' xi reġistrazzjoni hekk inkluża, u stqarrija dwar kull permess mogħti dwar xi rappreżentazzjoni, persuni jew reġistrazzjoni bħal dik; u
- (e) dawk il-hwejjeg l-oħra, jekk ikun hemm, li jistghu jiġu preskritti b'regolamenti magħmulin mill-Awtorità flimkien mal-Ministru.

(9) Ebda haġa fis-subartikolu (6) ma ghandha tiftiehem li tipprojbixxi d-dhul ta' xi riklam fi programm imxandar mill-Awtorità jew minn persuna li tkun qieghda tagħti servizzi ta' xandir f'Malta, minhabba biss fil-fatt li din ikollha x'taqsam fil-materja tagħha ma' xi parti ta' dak il-programm li ma jkunx reklam.

(10) Sakemm is-subartikolu (6) jipprojbixxi d-dhul fil-programmi (minn barra reklami) imxandra mill-Awtorità jew minn persuna li tkun qieghda tagħti servizzi ta' xandir f'Malta, ta' xi haġa li tista' raġonevolment titqies li tkun għet inkluża fil-programm bi hlas jew b'xi konsiderazzjoni oħra ta' valur lill-Awtorità jew lill-persuna konċernata li tkun qieghda tagħti servizzi ta' xandir f'Malta, dak is-subartikolu ma ghandux ikun iġhodd għal xi programm hekk imxandar bħala parti minn servizz ta' xandir edukattiv approvat mill-Awtorità.

(11) Id-direttivi taht dan l-artikolu jistghu jkunu, fi kwalunkwe grad, sew

ġenerali sew speċifiċi u kwalifikati jew mhux kwalifikati u direttivi taht is-subartikolu (4) jistgħu, b'mod partikolari, jirreferu għal –

- (a) l-itwal żmien li jista' jingħata lil reklami f'xi siegħa waħda jew perijodu ieħor ta' żmien;
- (b) l-inqas intervall li għandu jgħaddi bejn żewġ perijodi iddedikati għal reklami u l-ghadd ta' dawk l-intervalli li għandhom jiġu permessi f'xi programm jew item fi programm jew f'xi siegħa jew f'xi jum;
- (ċ) it-thollija barra ta' reklami minn xandira speċifika, u jistgħu jagħmlu dispozizzjonijiet differenti għal partijiet differenti tal-jum, għal jiem differenti tal-ġimgħa, għal tipi differenti ta' programmi jew għal ċirkostanzi oħra differenti:

Iżda ma tista' tingħata ebda direttiva li tidher li ma tkunx raġonevolment ġustifikata f'soċjetà demokratika. Fl-ghoti ta' dawk id-direttivi l-Awtorità għandha wkoll tkun konsapevoli ta' dawk id-dokumenti internazzjonali li għandhom x'jaqsmu ma' dan, u li Malta tkun parti għalihom.

(12) Ordnijiet għall-inseriment ta' reklami jistgħu jintlaqgħu minn agenti tar-reklamar jew agenti oħrajn jew direttament mingħand min ikun qed jirreklama, iżda l-Awtorità, operaturi tax-xandir, detenturi tal-liċenzja u kuntratturi ma għandhomx jagħmluha ta' agenti tar-reklamar.

Kodiċi għal programmi li ma jkunux reklami.

20. (1) L-Awtorità għandha, flimkien mal-Ministru, tfassal, u minn żmien għal żmien tirrevedi, kodiċi li jkun ta' regolament dwar –

- (a) ir-regoli li għandhom jiġu osservati dwar il-wiri ta' vjolenza, u dwar id-dhul f'xandiriet ta' smiġħ ta' hsejjes li jissuġġerixxu li hemm xi vjolenza, b'mod partikolari meta t-tfal u ż-żgħażaġħ ikun wisq probabbli qegħdin jaraw jew jisimghu dawk il-programmi; u
- (b) dawk il-hwejjeġ l-oħra li jirrigwardaw standards u prattika għal programmi mxandra mill-Awtorità jew minn kull min jipprovi servizzi ta' xandir f'Malta, hekk kif l-Awtorità tista' tikkonsidra li jkun xieraq li jiddaħhal fil-kodiċi;

u, filwaqt li jitqies xi hwejjeġ oħra għandhom jiddaħhlu fil-kodiċi, l-Awtorità għandha tikkonsidra b'mod speċjali dawk il-programmi li jixxandru f'hinijiet meta t-tfal u ż-żgħażaġħ jistgħu jkunu qegħdin jaraw jew jisimghu.

(2) L-Awtorità għandha tara li d-dispożizzjonijiet tal-kodiċi taht dan l-artikolu jiġu osservati dwar il-programmi kollha mxandra minn xi persuna li tkun qiegħda tagħti servizzi ta' xandir f'Malta.

(3) L-Awtorità tista', fit-twettiq tar-responsabbiltà ġenerali għall-programmi, timponi htigiet dwar standards u prattika għal dawk il-programmi li joltrepasaw, jew li jirreferu għal hwejjeġ li ma jaqgħux taht id-dispożizzjonijiet tal-kodiċi taht dan l-artikolu.

(4) Il-metodi ta' kontroll li jitwettqu mill-Awtorità bil-għan li jiġi assigurat li d-dispożizzjonijiet tal-kodiċi taht dan l-artikolu jkunu qegħdin jiġu osservati, u għall-fini li jiġi assigurat twettiq mal-htigiet imposti taht is-subartikolu (3) li

joltrepassaw jew jirrelataw ghal hwejjeg mhux inkluzi fil-kodiċi, ghandhom jinkludu s-setgħa li jingħataw direttivi lil kull min jipprovdi servizzi ta' xandir f'Malta li jimponu projbizzjonijiet jew restrizzjonijiet dwar items ta' klassi speċifika jew deskrizzjoni speċifika jew dwar item partikolari.

(5) Id-dispożizzjonijiet ta' dan l-artikolu ma ghandhomx japplikaw ghal reklami li jaqgħu taht il-Kodiċi dwar Reklamar u Sponsorship imsemmi fl-artikolu 19 ta' dan l-Att.

21. (1) Bil-mod kif u meta l-Awtorità tqis li jkun mehtieg jew spedjenti, hija-

Kodiċi għal
transmissjonijiet
teletext

(a) tista', flimkien mal-Ministru, tfassal u, minn żmien għal żmien tirrevedi, kodiċi li jkun ta' regolament dwar daww il-hwejjeg li jirregwardaw standards u Prattika għal trasmissjonijiet teletext (magħduda reklami) imxandra mill-Awtorità jew minn kull min jagħti servizzi ta' xandir f'Malta, hekk kif l-Awtorità tista' tqis li jkun xieraq biex jiddaħhal fil-Kodiċi; u

(b) għandha tassigura li d-dispożizzjonijiet tal-Kodiċi jiġu osservati dwar kull trasmissjoni teletext imxandra minnha jew minn kull persuna oħra li tagħti servizzi ta' xandir f'Malta.

(2) L-Awtorità tista', fit-tweqqif tar-responsabilità ġenerali tagħha, timmonitorja u tissorvelja s-servizzi kollha ta' xandir mogħtija f'Malta, timponi htigiet dwar standards u Prattika għal trasmissjonijiet teletext imxandra minnha jew minn kull min jagħti servizzi ta' xandir f'Malta, li joltrepassaw jew jirreferu għal hwejjeg li ma jaqgħux taht id-dispożizzjonijiet tal-kodiċi.

(3) Il-metodi ta' kontroll imwettqa mill-Awtorità –

(a) għall-fini li tassigura li d-dispożizzjonijiet tal-kodiċi jiġu osservati; u

(b) għall-fini li tassigura konformità mal-htigiet imposti taht is-subartikolu

(2) li joltrepassaw jew jirreferu għal hwejjeg li ma jaqgħux taht il-kodiċi, ghandhom jinkludu s-setgħa li jingħataw direttivi lil kull min jagħti servizzi ta' teletext bit-tqegħid ta' projbizzjonijiet jew restrizzjonijiet dwar items ta' klassi speċifika jew deskrizzjoni speċifika jew dwar item partikolari:

22. (1) Ikun id-dmir ta' l-Awtorità li tissodisfa ruħha li l-programmi mxandra mill-Awtorità jew minn kull min jipprovdi servizzi ta' xandir f'Malta ma jinkludux, sew f'xi reklam jew mod ieħor, xi sistema teknika li, bl-użu ta' immaġini għal żmien qasir hafna jew b'kull mezz ieħor, tesplojta l-possibbiltà li twassal messagg lil, jew mod ieħor tinfluwixxi l-imhuh ta', membri ta' udjenza mingħajr ma huma stess jindunaw, jew jindunaw bis-shif, b'dak li jkun ġara.

Projbizzjoni ta'
ċerti sistemi

(2) Huwa projbit ix-xandir ta' messagġi bil-code.

Taqsimha VI
Skedi ta' Programmi

Sottomissjoni għall-
approvazzjoni
ta' l-Awtorità

23. (1) Minghajr preġudizzju għall-ġeneralità tad-dispożizzjonijiet ta' l-artikolu 15 ta' dan l-Att, u b'zieda mas-setgħat kollha vestiti fl-Awtorità bis-saħħa ta' dak l-artikolu, fil-każ ta' programmi li ma jkunux reklami, fit-tweġġ ta' dmirijietha taht l-artikolu 20 ta' dan l-Att, dwar xandiriet sew tat-televiżjoni u tas-smigh, l-Awtorità għandha teżamina l-iskedi ta' programmi li jiġu mogħtija lilha mill-persuni kollha li jagħtu servizzi ta' xandir f'Malta, u għal dak il-għan kull min ikun qieghed jagħti dawk is-servizzi f'Malta għandu jgħaddi dawk l-iskedi ta' programmi lill-Awtorità f'dawk il-perijodi u żminijiet li l-Awtorità tista' tordna:

Iżda, hliet għal dan is-subartikolu (1) ta' dan l-artikolu, il-klassijiet kollha ta' servizzi tar-radju, hliet għal dawk provduti bhala parti mis-servizzi pubbliċi tax-xandir, għandhom ikunu eżentati mill-htigiet tas-subartikoli l-oħra kollha ta' dan l-artikolu:

Iżda wkoll l-Awtorità tista' teżenta l-klassijiet kollha ta' servizzi tax-xandir jew xi uħud minnhom minn htigiet ta' dan l-artikolu.

(2) Bla hsara għas-subartikoli (1) u (6) ta' dan l-artikolu, ebda persuna li tagħti servizzi ta' xandir f'Malta ma tista' tittrasmetti xi programm hliet jekk dan ikun jagħmel parti minn skeda ta' programmi approvata bil-miktub, bil-quddiem, mill-Awtorità, skond dan l-artikolu.

(3) Skeda ta' programmi –

- (a) għandha tiffassal b'konsultazzjoni ma' l-Awtorità, u
- (b) għandha tkun għal perijodu li jiġi stabbilit mill-Awtorità;

u l-Awtorità tista' tagħti lil min jagħti servizzi ta' xandir f'Malta dawk id-direttivi li jistgħu jidhru speċjenti lill-Awtorità bil-għan li jiġi assigurat li l-Awtorità jkollha żmien biżżejjed li ttwettaq ir-responsabbiltajiet tagħha filwaqt li tkun qieghda tikkonsidra l-iskedi tal-programmi.

(4) L-Awtorità tista' tagħti direttivi li jistgħu jkunu, f'kull grad, sew ġeneriċi jew speċifiċi u kwalifikati jew mhux kwalifikati –

- (a) dwar l-esklużjoni ta' xi item minn skeda ta' programmi;
- (b) dwar id-dhul fi skeda ta' programmi, jew f'parti partikolari tagħha, ta' item jew items ta' kategorija partikolari; jew
- (c) dwar id-dhul f'parti partikolari ta' skeda ta' programmi ta' item partikolari;

u l-Awtorità ma għandhiex tapprova skeda ta' programmi sakemm din tkun sodisfatta li l-iskeda tkun konformi ma' kull direttiva mogħtija taht dan l-artikolu.

(5) Minghajr preġudizzju għas-setgħa ta' l-Awtorità li tapprova għall-

finijiet ta' dan l-artikolu verżjoni riveduta jew emendata ta' skeda ta' programmi li tkun qabel giet approvata minnha, l-Awtorità tista', jekk ikun jidhrilha xieraq li hekk taghmel minhabba f'xi bidla fiċ-ċirkostanzi li tigrri wara li skeda ta' programmi tkun giet approvata minnha, tippermetti lil persuna li tkun qiegħda tagħti servizzi ta' xandir f'Malta li taghmel dawk it-tibdiliet f'dik l-iskeda tal-programmi li l-Awtorità tista' tapprova, li jkunu tibdiliet lilha proposti b'mod konvenjenti; u skeda ta' programmi li fiha jkunu saru tibdiliet bis-saħħa ta' dan is-subartikolu għandha, kif hekk mibdula, titqies bħallikeku approvata mill-Awtorità skond dan l-artikolu.

(6) L-Awtorità tista' tagħti direttivi li jistgħu jkunu, f'kull grad, sew ġeneriċi jew speċifiċi u kondizzjonali jew inkondizzjonali, li jkunu jawtorizzaw l-egħmil ta' tibdiliet f'kull skeda ta' programmi approvata minghajr ma ssir riferenza bil-quddiem lill-Awtorità –

- (a) meta jkun diffiċli jew sprattiku għal min ikun qiegħed jagħti s-servizzi ta' xandir f'Malta li jikkomunika ma' l-Awtorità fiz-żmien disponibbli, jew
- (b) fil-każ ta' qtugh tekniku;

u l-programmi li jinsabu fi skeda ta' programmi li fiha jsiru tibdiliet bis-saħħa ta' dan is-subartikolu jistgħu jixxandru mill-persuna konċernata li tkun qed tagħti servizzi ta' xandir f'Malta minkejja dawk it-tibdiliet.

(7) L-approvazzjoni ta' l-Awtorità taht dan l-artikolu tista' tingħata bla ħsara għal dawk l-eċċezzjonijiet, riservi u kwalifiki li l-Awtorità tqis xierqa; u l-Awtorità tista' f'kull żmien titlob għal iktar partikularitajiet dwar skeda ta' programmi lilha mogħtija, jew ta' kull item fl-iskeda tal-programmi.

TAQSIMA VII Dispożizzjonijiet Finanzjarji

24. (1) (a) Id-dhul ta' l-Awtorità jkun jikkonsisti fi –

Dhul ta' l-Awtorità

(i) dawk is-somom li l-Parlament jista' kull sena jistabbilixxi li għandhom jithallsu lill-Awtorità;

(ii) tletin fil-mija, jew perċentwali ta' mhux inqas minn hmistax fil-mija u mhux iżjed minn hamsin fil-mija li jistgħu jiġu stabbiliti b'regolamenti mill-Prim Ministru wara li jikkonsulta ruhu mal-Ministru responsabbli għall-finanzi, tad-dhul li l-Gvern jiġbor mil-liċenzji ta' apparat minghajr fili u tat-televizjoni wara li jitnaqqas persentaġġ għar-rigward ta' nefqa raġonevoli li tkun saret għall-ġbir ta' dak l-ammont;

(iii) id-dhul li l-Awtorità tiġbor minn liċenzji tax-xandir, kif provdut fis-subartikolu (1) ta' l-artikolu 14 ta' dan l-Att; u

(iv) dawk l-ammonti li jistgħu minn żmien għal żmien jithallsu lill-Awtorità minn kuntrattur tax-xandir jew operatur tal-fili jew mezz ieħor kif provdut fis-subartikolu (2) ta' l-artikolu 14 u s-subartikolu (3) ta' l-artikolu 3 ta' dan l-Att.

- (b) L-ammont li jithallas lill-Awtorità skond il-paragrafi (i) u (ii) tal-paragrafu (a) ta' dan is-subartikolu ma ghandux ikun ta' inqas minn mitejn u hamsin elf lira fis-sena, u kull somma li tithallas lill-Awtorità bis-sahha tal-paragrafi msemmija ghandha tkun addebitata lill-Fond Konsolidat.
- (2) Is-subartikolu (1) ghandu jkun minghajr preġudizzju ghad-dispożizzjonijiet tas-subartikolu (8) ta' l-artikolu 118 tal-Kostituzzjoni.
- Hlasijiet lill-Awtorità
25. (1) Id-dhul ta' l-Awtorità jista' jintuza ghall-hlas ta' –
- (a) rimunerazzjoni, allowances, salarji, pagi, kontribuzzjonijiet speċjali, gratuities, pensjonijiet u nfiq rikorrenti; u
- (b) l-ispejjeż l-oħra kollha li l-Awtorità tista' b'mod normali ġġarrab li ghandhom x'jaqsmu mat-twettiq tal-funzjonijiet ta' l-Awtorità taht dan l-Att.
- (2) Ebda nefqa ma ghandha ssir jew tiġġarrab mill-Awtorità jekk din ma tkunx bilanċjata bid-dhul li taghmel l-istess Awtorità, hliet kif jista' jkun mehtieġ ghat-twettiq tal-funzjonijiet taghha taht is-subartikolu (1) ta' l-artikolu 119 tal-Kostituzzjoni.
- (3) Kull eċċess tad-dhul ta' l-Awtorità għal kull sena finanzjarja fuq l-ammonti totali li l-Awtorità taddebita fuq il-kont tad-dhul għal dik is-sena ghandu jiġi applikat mill-Awtorità wara li titqies ix-xewqa li dawk il-flus jiġu applikati għal iktar tiġib u għall-estensjoni ta' servizzi tax-xandir f' Malta, b'dak il-mod li l-Prim Ministru, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi u ma' l-Awtorità, jista' jordna.
- (4) Kull direttiva li tinghata taht is-subartikolu li jiġi minnufih qabel dan tista' tehtieġ li eċċess shih bhal dak jew parti minnu kif msemmi qabel ghandu jithallas lill-Fond Konsolidat.
- Investiment ta' fondi
26. Kull flejjes ta' l-Awtorità li ma jkunux mehtieġa minnufih li jintefqu għall-fidwa ta' obligazzjonijiet jew ghat-twettiq ta' xi funzjonijiet ta' l-Awtorità jistgħu jiġu investiti minn żmien għal żmien ġewwa fond ta' riżerva li jiġi stabbilit mill-Awtorità.
- Estimi ta' l-Awtorità
27. (1) L-Awtorità ghandha tara li f'kull sena finanzjarja jithejjew, u ghandha mhux aktar tard minn tmien ġimgħat qabel tmiem kull sena bhal dik tadotta, estimi tad-dhul u nfiq ta' l-Awtorità għas-sena finanzjarja li jmiss wara.
- (2) L-estimi ghandhom isiru f'dik l-ghamla u jkollhom dak it-tagħrif u dawk il-paraguni ma' snin ta' qabel li l-Prim Ministru, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jista' jehtieġ.
- (3) Kopja ta' l-estimi ta' l-Awtorità ghandha, hekk kif l-estimi jiġu adottati mill-Awtorità, tintbagħat minnufih mill-Awtorità lill-Prim Ministru.
- (4) Il-Prim Ministru għandu, ma' l-ewwel opportunità li jkollu, u mhux iżjed tard minn l-ewwel seduta tal-Kamra tad-Deputati wara sitt ġimgħat minn meta tiġi rċevuta kopja ta' l-estimi ta' l-Awtorità, jara li dawk l-estimi jitqieghdu quddiem il-Kamra tad-Deputati.

(5) L-estimi ta' l-Awtorità għandhom, hekk kif ikun prattikabbli, jiġu pubblikati fil-Gazzetta tal-Gvern.

(6) Id-dmirijiet imposti fis-subartikolu (1) sa (5) ta' dan l-artikolu għandhom ikunu mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (8) ta' l-artikolu 118 tal-Kostituzzjoni.

28. (1) L-Awtorità għandha tara li jinżammu kontijiet u dokumenti oħra sew dwar il-funzjonijiet tagħha u għandha thejji dwar kull sena finanzjarja dikjarazzjoni ta' kontijiet f'dik l-ghamla li l-Prim Ministru jista' jordna, li tkun għamla li tikkonforma ma' l-aħjar standards ta' kontijiet.

Kontijiet u Verifika

(2) Il-kontijiet ta' l-Awtorità għandhom jiġu verifikati minn awditur jew awdituri li jinhatru minnha u jiġu approvati mill-Prim Ministru:

Iżda l-Prim Ministru jista' jehtieg li l-kotba u l-kontijiet ta' l-Awtorità għandhom jiġu verifikati jew eżaminati mid-Direttur tal-Verifika li għandu għal dan il-ghan ikollu setgħa li jagħmel dak il-verifikar fiżiku u verifiki oħra li jista' jqis mehtieġa.

(3) Qabel tmiem kull sena finanzjarja, il-Prim Ministru għandu jara li titqiegħed fuq il-Mejda tal-Kamra tad-Deputati, flimkien ma' l-estimi msemmija fl-artikolu 27 ta' dan l-Att, kopja tad-dikjarazzjoni ta' kontijiet u kull rapport finanzjarju dwar is-sena shiha li tkun għet minnufih qabel.

29. (1) Il-flejjes kollha ta' l-Awtorità li jingabru minn operazzjonijiet li jsiru taht dan l-Att għandhom jitqiegħdu għewwa bank jew banek mahturin b'riżoluzzjoni ta' l-Awtorità u approvati mill-Prim Ministru. Dawk il-flejjes għandhom, kemm jista' jkun, jitqiegħdu fil-bank minn jum għall-iehor, hliet dik is-somma li l-Awtorità tista' tawtorizza li tinżamm għall-hlas ta' ammonti żgħar u hlasijiet ta' malajr.

Depożiti ta' flus u pagamenti

(2) Il-pagamenti kollha li jsiru mill-fondi ta' l-Awtorità għandhom isiru minn dak l-uffiċjal jew uffiċjali ta' l-Awtorità li l-istess Awtorità tahtar jew tinkariga għal dak il-ghan.

(3) Ic-cheques ta' bank jew żbanki minn kont bankarju ta' l-Awtorità għandhom jiġu iffirmati minn dak l-uffiċjal ta' l-Awtorità li jista' jiġi inkarigat mill-Awtorità għal dak il-ghan u għandhom ikunu iffirmati wkoll miċ-Chairman jew dak il-membri ieħor ta' l-Awtorità jew uffiċjal ieħor ta' l-Awtorità li jistgħu jiġu awtorizzati mill-Awtorità għal dak il-ghan.

30. (1) L-Awtorità għandha, mhux iżjed tard minn tmiem Marzu ta' kull sena, tagħmel rapport u tghaddih lill-Prim Ministru li jkun jittratta b'mod ġenerali dwar l-attivitajiet ta' l-Awtorità matul is-sena finanzjarja ta' qabel u dwar il-pjanijiet tagħha għas-snin sussegwenti. Il-Prim Ministru għandu kemm jista' jkun malajr iqiegħed kopja ta' dak ir-rapport fuq il-Mejda tal-Kamra.

Rapport Annwali

(2) Ir-rapport imsemmi fis-subartikolu (1) ta' dan l-artikolu għandu jinkludi r-riżultati ta' riċerka indipendenti li ssir fost l-udjenza li tkun taċċerta:

- (a) il-qagħda ta' l-ghadd ta' persuni li jisimghu jew jaraw is-servizzi tax-xandir mogħtija f'Malta;

- (b) il-qagħda ta' l-opinjoni pubblika rigward programmi mdahhla f' servizzi tax-xandir mogħtija f' Malta;
- (c) l-effetti ta' dawk il-programmi fuq l-attitudnijiet jew l-imġieba ta' dawk il-persuni li jsegwu dawk il-programmi; u
- (d) it-tipi ta' programmi li membri tal-pubbliku jkunu jixtiequ li jiddahhlu fis-servizzi tax-xandir mogħtija f' Malta.

(3) Ir-rapport imsemmi fis-subartikolu (1) ta' dan l-artikolu għandu, fl-istess format jew wieħed differenti hekk kif l-Awtorità tista' tqis li jkun meħtieġ, jiġi pubblikat u jinħareg għall-pubbliku in ġenerali, bi prezz raġonevoli, sa tmiem Ġunju ta' kull sena.

TAQSIMA VIII

Kuntratti u Setgħa ta' Akkwist jew Tneħħija ta' Proprjetà

Kuntratti ta' provvista
jew xoghlijiet

31. Hlief bl-approvazzjoni tal-Prim Ministru mogħtija għal raġunijiet speċjali, l-Awtorità ma għandhiex tagħmel kuntratt għall-provvista ta' oġġetti jew materjal jew għat-tweġiq ta' xoghlijiet li jitqies mill-Awtorità li jeċċedi l-valur ta' tlett elef lira, jew dik is-somma l-oħra li l-Prim Ministru b'konsultazzjoni mal-Ministru responsabbli għall-finanzi jista' jistabbilixxi b'avviż fil-Gazzetta, sakemm ma jkunx ġie pubblikat avviż tal-ħsieb ta' l-Awtorità li tagħmel il-kuntratt u jkunu nħarġu tenders kompetittivi.

Setgħa ta' akkwist jew
tneħħija ta' proprjetà

32. (1) Bla ħsara għad-dispożizzjonijiet ta' l-artikolu li jiġi minnufih qabel dan, l-Awtorità tista', għall-fini tat-tweġiq dovut u effiċjenti tal-funzjonijiet tagħha taht dan l-Att –

- (a) tixtri jew mod ieħor takkwista u żżomm kull proprjetà immobbli u tiddisponi minn kull proprjetà bħal dik; u
- (b) tixtri jew mod ieħor takkwista u żżomm kull artijiet jew proprjetà immobbli oħra jew interess fiha u tiegħu dik il-proprjetà b'kiri jew b'kull titlu li jkun.

(2) L-Awtorità tista', bl-approvazzjoni bil-miktub tal-Prim Ministru, tittrasferixxi kull artijiet jew proprjetà immobbli oħra jew kull interess fihom, ikun kif ikun il-mod ta' akkwist mill-Awtorità, u tista' wkoll, bil-kunsens tal-Prim Ministru, tikkonċedi kirja ta' dawk l-artijiet jew proprjetà għal kull perijodu.

TAQSIMA IX

Dispożizzjonijiet Mixxellanji

Kumitati Konsultattivi

33. L-Awtorità tista' tahtar jew tinkariga kull organu bħala kumitat konsultattiv biex jagħti parir lill-Awtorità u lil kull min jagħti servizzi ta' xandir f' Malta, fuq hwejjeġ ta' taġlim u reliġjużi, fuq livell ta' kondotta fir-reklamar ta' oġġetti jew servizzi, u fuq dawk il-hwejjeġ l-oħra li l-Awtorità tista' tiddeċidi.

34. (1) Minghajr preġudizzju għas-setgħat u funzjonijiet l-oħra kollha tagħha skond il-Kostituzzjoni u dan l-Att, l-Awtorità għandu jkollha s-setgħa u d-dmir li tqis ilmenti dwar –

Trattament ingust
jew żbilanċat jew
ksur ta' privatezza

- (a) trattament ingust jew mhux xieraq fi programmi ta' smigh jew televiżivi mxandra minn kull min jagħti servizzi ta' xandir f' Malta;
- (b) ksur mhux ġustifikat ta' privatezza fi, jew b' mod li għandu x'jaqsam mal-ksib ta' materjal imdahhal fi, programmi ta' smigh jew televiżivi hekk imxandra.

(2) Għall-finijiet ta' dan l-artikolu, l-ilmenti għandhom isiru bil-miktub mill-persuna milquta jew minn persuna awtorizzata minnha sabiex tressaq l-ilment f' isimha.

(3) Għall-finijiet ta' dan l-artikolu –

“il-persuna milquta” –

- (a) dwar trattament ingust jew żbilanċat kif imsemmi fis-subartikolu (1), tfisser parteċipant fil-programm in kwistjoni li kien is-suġġett ta' dak it-trattament jew persuna li, sew jekk tkun parteċipanti bhal dak jew le, kellha interess dirett fis-suġġett innifsu ta' dak it-trattament;
- (b) dwar dak il-ksur mhux ġustifikat ta' privatezza kif hekk imsemmi, tfisser persuna li kellha l-privatezza tagħha miksura;

u

“trattament ingust jew żbilanċat” tinkludi trattament li hu ingust jew żbilanċat minhabba fil-mod kif il-materjal imdahhal fi programm ikun intgħażel jew ġie irrangat.

35. (1) L-Awtorità tista', flimkien mal-Ministru u ma' l-Ministru responsabbli għat-Telegrafija minghajr Fili, tagħmel regolamenti, mhux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, sabiex jippreskrivu –

Setgħa ta'
għemil ta'
regolamenti

- (a) il-metodu ta' applikazzjoni, magħdudin il-formuli li għandhom jintużaw meta ssir applikazzjoni għall-hruġ ta' liċenzja tax-xandir;
- (b) it-tagħrif ta' xorta teknika jew mod ieħor li għandha tingħata flimkien ma' kull applikazzjoni;
- (c) il-kundizzjonijiet li taħthom tista' tinħareġ liċenzja tax-xandir, kif ukoll il-kundizzjonijiet li taħthom tista' tiġi emendata, mibdula, sospiza jew revokata;
- (d) il-kundizzjonijiet li taħthom kull stallazzjoni, apparat jew proprjetà oħra ta' detentur ta' liċenzja tax-xandir, għandhom jiġu stallati, mahdumin, operati, miżmumin, protetti, kontrollati jew b'xi mod salvagwardati u l-projbizzjoni ta' l-użu ta' stallazzjoni, apparat jew tagħmir perikoluż;
- (e) kull tariffa ta' prezzijiet, drittijiet u hlasijiet li jistgħu jew huma meħtieġa li jiġu preskrutti minn jew taħt id-dispożizzjonijiet magħmulin

taħtha u ż-żmien, lok u mod għall-hlas ta' dawk il-prezzijiet, drittijiet u hlasijiet u l-mod ta' ġbir u tnehhija tagħhom;

- (f) il-perijodu li matulu liċenzja tax-xandir tibqa' valida;
 - (g) il-kundizzjonijiet li taħthom persuni li jkollhom liċenzja tax-xandir taht dan l-Att għandhom ihaddmu servizzi tax-xandir ;
 - (h) il-kwalifiki li persuni għandu jkollhom qabel ma jkunu jistgħu jiġu fdati bil-bini, tiswiġa, tibdil jew kontroll ta' xi apparat jew stallazzjoni li għandu jintuza minn xi kuntrattur jew detentur ta' liċenzja tax-xandir, u x-xorta ta' tests li għandhom isiru sabiex jiġi aċċertat jekk persuni jkollhomx dawk il-kwalifiki;
 - (i) mingħajr preġudizzju għall-generalità tal-paragrafu (ċ) ta' l-artikolu 35 ta' dan l-Att, dawk il-kundizzjonijiet tekniċi li taħthom liċenzja tax-xandir tista' tinhareġ, u l-metodu ta' verifika ta' dawk il-kundizzjonijiet, magħdudin in partikolari l-karatteristiċi tas-sinjali mibgħutin u tat-tagħmir tax-xandir użat, il-lok tat-trasmissjoni, l-ogħla livell ta' qawwa radjata effettiva u protezzjoni kontra interferenza potenzjali ma' attivitajiet oħra ta' telekomunikazzjoni;
 - (j) il-miżuri li għandhom jittiehdu u t-tagħmir li għandu jiġi provvist u użat f' dak li għandu x'jaqsam ma' stallazzjonijiet sabiex jassiguraw is-sigurezza pubblika u s-sigurezza privata;
 - (k) il-mezzi li għandhom jiġu adottati, sew bi projbizzjoni jew mod ieħor, sabiex jipprevjenu jew inaqqsu xi periklu, hsara jew għelt li jista' jkun hemm jew li jkun hemm mit-tħaddim ta' xi stallazzjonijiet jew apparat użati minn kuntrattur jew detenturi ta' liċenzji tax-xandir.
 - (l) kull haġa oħra li tista' tkun jew tenhtieg li tiġi preskritta b'dan l-Att;
- u
- (m) kull haġa oħra li tista' tidher lill-Awtorità bħala meħtieġa jew spedjenti għall-aħjar twettiq tad-dispożizzjonijiet ta' dan l-Att sabiex jassiguraw is-sigurezza tal-pubbliku, jew sabiex jagħtu seħħ lil, u jassiguraw konformità ma', xi jew kull direttiva jew kodiċi li jistgħu jinharġu mill-Awtorità bis-saħħa ta' dan l-Att, jew b'mod ġenerali sabiex jassiguraw servizzi tax-xandir xierqa jew il-monitoring u sorveljar ta' dawk is-servizzi f'Malta.

(2) Sakemm isiru regolamenti skond is-subartikolu (1) ta' dan l-artikolu r-Raba' Skeda ta' dan l-Att għandha tirregola l-hwejjeġ li dwarhom jistgħu jsiru regolamenti skond l-istess subartikolu.

Setgħat tal- President

36. (1) Il-Prim Ministru jista', jekk ikun hekk jidhirlu li jkun meħtieġ jew spedjenti li jagħmel hekk, jagħti parir lill-President sabiex jeħtieġ lill-Awtorità b'avviż bil-miktub biex ixxandar u/jew tara li jixxandar minn persuna li tagħti servizzi tax-xandir f'Malta, mingħajr hlas, u f'dawk iż-żminijiet li jistgħu jiġu speċifikati fl-avviż, kull tħabbira jew materjal ieħor hekk speċifikat, b'immagini viżivi jew mingħajrhom ta' kull stampa, xena jew oġġett imsemmija f'dik it-tħabbira jew materjal ieħor, u jkun id-dmir ta' l-Awtorità u ta' kull min jagħti

servizzi tax-xandir li jikkonformaw ruhhom ma' kull avviż bhal dak.

(2) Meta l-Awtorità, jew persuna li tagħti servizzi tax-xandir f'Malta, tippubblika xi thabbira jew materjal ieħor b'riżultat ta' avviż taht is-subartikolu (1) ta' dan l-artikolu, hija tista' thabbar li tkun qiegħda tagħmel hekk b'riżultat ta' dik id-direttiva.

(3) Il-Prim Ministru jista', jekk ikun hekk jidhirlu li jkun meħtieġ jew spedjenti li jagħmel hekk, jagħti parir lill-President sabiex jeħtieġ lill-Awtorità b'avviż bil-miktub biex jara li ma jixxandarx xi materjal jew klassi ta' materjal speċifikati fl-avviż, u jkun id-dmir ta' l-Awtorità u ta' kull min jagħti servizz tax-xandir li jikkonformaw ruhhom ma' kull avviż bhal dak.

(4) Il-Prim Ministru jista', jekk ikun hekk jidhirlu li jkun meħtieġ jew spedjenti li jagħmel hekk, jagħti parir lill-President sabiex jagħti direttivi lill-Awtorità b'avviż bil-miktub dwar l-itwal hin, l-inqas hin, jew sew l-itwal sew l-inqas hin, li għandu jingħata ta' kuljum lil xandiriet minn stazzjon tax-xandir tas-smiġħ jew tat-televiżjoni, u dwar is-siġhat tal-jum li fihom dawk ix-xandiriet għandhom jew ma għandhomx jingħataw, u jkun id-dmir ta' l-Awtorità u ta' kull min jagħti servizz tax-xandir li jikkonformaw ruhhom ma' kull avviż bhal dak.

(5) Id-dmirijiet imposti mill-Awtorità b'dan l-artikolu għandhom ikunu mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (8) ta' l-artikolu 118 tal-Kostituzzjoni.

(6) Is-setgħat tal-President skond dan l-artikolu jistgħu biss jitwettqu sakemm dawn ikunu raġonevolment ġustifikati f'soċjetà demokratika.

37. Il-Prim Ministru jista', b'avviż bil-miktub, jagħti direttivi lill-Awtorità biex tikkonforma ruhha, permezz ta' regolamenti u direttivi magħmulin jew mahruġin skond dan l-Att, ma' kull obbligu internazzjonali ta' Malta.

Obbligi internazzjonali

38. (1) Kull min jikser xi dispożizzjoni ta' dan l-Att jew ta' kull regolament jew direttiva magħmulin jew mogħtijin taħthom, jew jonqos li jikkonforma ruhu ma' xi kundizzjonijiet imposti f'xi liċenzja mogħtija b'dan l-Att, jew jonqos milli jaġixxi b'mod konformi ma' xi liċenzja bhal dik jew xi dispożizzjoni ta' dan l-Att jew regolament jew direttiva magħmulin jew mogħtijin taħthom, ikun hati ta' reat kontra dan l-Att u jista' jehel meta jinstab hati piena ta' prigunerija ta' mhux iżjed minn sitt xhur u multa ta' mhux iżjed minn hamset elef lira jew dik il-multa u prigunerija flimkien:

Reati u pjeni

Izda fil-każ li wiehed jerga' jinstab hati għat-tieni darba, il-piena ma għandhiex tkun inqas minn multa ta' elf lira, u fil-każ li wiehed jinstab hati għat-tielet darba jew iktar drabi, il-piena ma għandhiex tkun inqas minn multa ta' hamest elef lira:

Izda wkoll fil-każ ta' reat kontinwat il-hati għandu b'zieda jiġi kundannat multa addizzjonali ta' mhux iżjed minn mitt lira għal kull jum li matulu r-reat kien kompli.

(2) Ikun id-dmir ta' kull min għandu bi proprjetà jew fil-pussess tiegħu xi tagħmir jew xi oġġett ieħor mobbli li jkun li jista' jintuza għall-finijiet tax-xandir, li jassigura f'kull żmien li dak it-tagħmir ma jintuza biex issir xi xandira bi ksur tad-dispożizzjonijiet ta' dan l-Att, u mingħajr preġudizzju għad-

dispożizzjonijiet ta' xi liġi oħra li tirrigwarda t-tehid, kull tagħmir jew oġġetti mobbli oħra li jkunu, sew ta' l-istess xorta sew jekk le, miżmuma u użati għal, jew in konnessjoni ma' l-ghoti ta' servizzi tax-xandir bi ksur ta' xi waħda mid-dispożizzjonijiet ta' dan l-Att jew f'li ssir xi xandira bi ksur ta' xi waħda mid-dispożizzjonijiet ta' dan l-Att, għandu jittiehed sabiex jinghata lill-Gvern, u dak it-tehid għandu jiġi ordnat mill-Qorti f'kull każ u sew jekk dak it-tagħmir jew oġġett huma proprjetà ta', jew ikunu qieghdin jinżammu jew jiġu użati mill-persuna li tinsab hatja jew huwa proprjetà ta', jew ikunu qieghdin jinżammu jew jiġu użati minn, kull persuna oħra li tkun, u sew jekk le.

(3) Għall-finijiet tas-subartikolu (1) ta' dan l-artikolu, kuntratt tax-xandir kif imsemmi fis-subartikolu (4) ta' l-artikolu 3 ta' dan l-Att għandu jitqies li jkun liċenzja mogħtija taht dan l-Att.

(4) Meta reat kontra dan l-Att isir minn korp magħqud, kull min fiż-żmien li jsir ir-reat kien direttur, manager, segretarju jew uffiċjal iehor bhal dak tal-korp magħqud, jew kien qed jagħti wiehed x'jifhem li kien qed iwettaq dik il-kariga, għandu jitqies li jkun hati ta' dak ir-reat, hliet jekk jipprova li r-reat kien sar mingħajr il-kunsens jew konnivenza tiegħu u li kemm seta' aġixxa b' mod diligenti biex jipprevjeni li jsir ir-reat hekk kif kellu jaġixxi meta wiehed iqis ix-xorta tal-funzjonijiet tiegħu f' dik il-kariga u ċ-ċirkostanzi kollha tal-każ.

Eżenzjonijiet

Kap. 294

Kap. 123

Kap. 49
Kap. 250

39. (1) Ebda taxxa ma għandha tithallas mill-Awtorità dwar kull att, kitba jew stampat li dwarhom, li ma kienx għad-dispożizzjonijiet ta' dan l-artikolu, kien ikollha tithallas taxxa mill-Awtorità skond l-Att dwar it-Taxxa fuq Dokumenti.

(2) L-income ta' l-Awtorità jkun hieles mill-hlas tat-taxxa skond l-Att dwar it-Taxxa fuq l-Income.

(3) L-Awtorità u kull kuntrattur tax-xandir ma jkollhomx bżonn jiksbu liċenzja biex ixandru skond l-Ordinanza dwar it-Telegrafija mingħajr Fili jew liċenzja biex jittrasmettu skond l-Att dwar il-Korporazzjoni Telemalta.

(4) Salvi d-dispożizzjonijiet l-oħra kollha ta' dan l-Att, is-subartikoli (1) u (4) ta' l-artikolu 10 ta' dan l-Att ma għandhomx jolqtu –

- (a) il-provvediment ta' xi servizz tax-xandir ta' smiġh jew televiżjoni mill-Gvern jew minn xi persuna, korp jew awtorità b'liċenzja mill-Gvern jew skond arrangamenti mal-Gvern; jew
- (b) il-hdim ta' liċenzja biex jinghata servizz ta' xandir mogħti qabel il-bidu fis-sehh ta' dan l-Att.

Att dwar id-Drittijiet ta' l-Awtur, u Att dwar l-Istampa
Kap. 196
Kap. 248

40. (1) Minkejja kull haġa li jista' jkun hemm fl-Att dwar id-Drittijiet ta' l-Awtur u fl-Att dwar l-Istampa, ir-ritrasmissjoni li ssir permezz ta' sistema bil-fili ma tfissirx xandir, xandir mill-ġdid jew komunikazzjoni lill-pubbliku.

(2) Għall-finijiet ta' dan l-artikolu "ritrasmissjoni" tfisser it-trasmissjoni simultanja, irrISPettivament mill-mezzi tekniċi użati, ta' servizzi ta' programmi, jew parti minnhom, tar-radju jew televiżivi shah u mhux mittiefsa trasmessi b' mod terrestri minn stazzjon tax-xandir li ma jkunx jaqa' taht il-kontroll tal-operatur tal-fili, sew jekk dan l-istazzjon ikun jinsab Malta jew barra minn Malta u mahsub għall-pubbliku in ġenerali

(3) Ritrasmissjoni li ssir skond is-subartikolu (2) ma għandha f'ebda ċirkostanzi tikkostitwixxi ksur ta' xi wiehed mid-drittijiet mġhoddijin jew mogħtijin

lis-sidien ta' drittijiet ta' l-awtur jew taht l-Att dwar id-Drittijiet ta' l-Awtur:

Izda dan is-subartikolu ma japplikax ghar-ritrasmissjoni ta' xandira trasmessa bis-satellita u ritrasmissa minghajr il-kunsens ta' min ikun xandarha fl-ewwel lok.

(4) Kliem u frazjijiet użati f'dan l-artikolu u mfissra fl-Att dwar id-Drittijiet ta' l-Awtur jew fl-Att dwar l-Istampa ghandu jkollhom it-tifsir moghti lilhom fl-Att imsemmi li jkun.

41. Il-Kodiċi Kriminali ghandu jiġi emendat kif ġej –

Emendi fil-Kodiċi
Kriminali
Kap. 9

(1) minnufih wara l-artikolu 298 tiegħu ghandhom jizdiedu dawn l-artikoli li ġejjin:

"Dhul b'qerq f'sistemi ta' telekomunikazzjoni 298A. Kull min jibni, jibdel, jagħmel, jippossjedi, ibiegh jew jixtri xi apparat li bih ikun jista' jikkonnetti kontra l-liġi ma' sistema ta' telekomunikazzjoni ghandu, meta jinsab hati, jehel

(a) meta r-reat isir għal qligh jew bi skop ta' kummerċ, prigunerija għal żmien mhux iżjed minn sena jew multa ta' mhux iżjed minn elfejn lira jew dik il-multa u prigunerija flimkien;

(b) fil-każi l-oħra kollha, multa ta' mhux iżjed minn elf lira.

Ksur ta' drittijiet ta' l-awtur 298 B. (1) Kull min, għal qligh, jew bi skop ta' kummerċ, jistampa, jimmanifattura, jidduplika jew mod ieħor jirriproduċi jew jikkopja, jew ibiegh, iqassam, jew mod ieħor joffri għall-bejgħ jew biex jitqassam, xi artikolu jew xi haġa oħra bi ksur tal-jeddijiet li johorgu mid-drittijiet ta' l-awtur li jkollha persuna oħra u protetti bil-liġi ta' Malta jehel, meta jinsab hati, prigunerija għal żmien ta' mhux iżjed minn sitt xhur jew multa ta' mhux iżjed minn elf lira, jew dik il-multa u prigunerija flimkien.

(2) Proċedimenti taht dan l-artikolu ma jistgħux jittiehdu hlief bil-kwerela tal-parti offiża.

(3) Dan l-artikolu ghandu jiġi fis-sehh fl-1 ta' Jannar, 1995.";

(2) fl-artikolu 299 tiegħu minflok il-kliem "ta' l-aħhar artikolu qabel dan" ghandhom jidhlu l-kliem "ta' l-artikolu 298"; u

(3) fl-artikolu 326 tiegħu –

(a) minnufih wara l-paragrafu (f) fis-subartikolu (1) tiegħu ghandu jizdied dan il-paragrafu ġdid (g) li ġej:

"(g) jaqta', ikisser, iwaqqa', jiddistruġgi, jagħmel hsara, inehhi, ibagħbas jew jikkonnetti ma' xi parti ta' apparat, duct, arblu, cabinet, fil, cable jew oġġett jew haġa li jkun, li jagħmlu sehem minn, jew li jintużaw jew iservu fin-network ta' cable television jew fit-thaddim tiegħu jew għall-ghoti tas-servizz ta' cable television, "; u

(b) minnufih wara l-paragrafu (b) tas-subartikolu (2) tiegħu ghandu jizdied dan il-paragrafu ġdid (ċ) li ġej:

“(ċ) jagħmel xi haġa msemmija fil-paragrafu (g) tas-subartikolu (1) ta’ dan l-artikolu.”.

Emenda fl-Ordinanza
dwar Impjanti
tas-Sistemi ta’ Komuni-
kazzjoni ta’ l-Elettriku u
tat-Telegrafu
Kap. 81

42. Minnufih wara l-paragrafu (b) fit-tifsira ta’ “awtorità” fl-artikolu 2 ta’ l-Ordinanza dwar Impjanti tas-Sistemi ta’ Komunikazzjoni ta’ l-Elettriku u tat-Telegrafu, għandu jidded dan il-paragrafu għdid li ġej:

“(ċ) fil-każ ta’ xoghlijiet li għandhom x’jaqsmu ma’ xi servizz ta’ cable television jew ta’ radju, dak il-Cable Operator jew Cable Operators li kienu jiġu inkarigati mill-Gvern biex jagħtu dak is-servizz;”.

Emenda fl-Att dwar
l-Istampa
Kap. 248

43. Minnufih wara l-artikolu 41 ta’ l-Att dwar l-Istampa, għandha tiżdied din it-taqsimha għdida li ġejja:

“TAQSIMA IV A Stazzjonijiet tax-Xandir

Edituri ta’
stazzjonijiet
tax-xandir

41A. Kull stazzjon tax-xandir f’Malta għandu jahtar persuna li jkollha l-kwalifiki elenkati fl-artikolu 34 sabiex ikun l-Editur ta’, u jkun bħala editur responsabbli għal, dak l-istazzjon tax-xandir.

Applikabilità ta’ l-artikoli
35, 36, 38, 39 u 40

41B. Id-dispożizzjonijiet ta’ l-artikoli 35, 36, 38, 39 u 40 ta’ dan l-Att għandhom mutatis mutandis japplikaw għal edituri ta’ stazzjonijiet tax-xandir u għal stazzjonijiet tax-xandir hekk kif japplikaw għal edituri ta’ gazzetti u għal gazzetti rispettivament.

Dmirijiet ta’ Edituri

41C. L-Edituri ta’ stazzjonijiet tax-xandir għandu jkollhom l-istess dmirijiet u obbligi taht dan l-Att kif inhuma bl-istess Att imposti fuq Edituri ta’ gazzetti.

Tifsir

41D. Għall-fini ta’ din it-Taqsima, il-kliem “stazzjon tax-xandir” għandu jkollhom l-istess tifsir bħalma hu mogħti lilhom fl-Att ta’ l-1991 dwar ix-Xandir.”.

Thassir ta’ l-
Ordinanza dwar ix-
Xandir
Kap. 165

44. (1) Bla hsara għad-dispożizzjonijiet ta’ dan l-artikolu, l-Ordinanza dwar ix-Xandir hija b’dan imhassra.

(2) It-thassir ta’ l-Ordinanza msemmija qabel għandha tkun mingħajr preġudizzju għal kull haġa magħmula jew imħollija barra milli ssir taht l-Ordinanza msemmija u b’mod partikulari ma għandhiex toqot il-validità ta’ kull skema ta’ taħditiet politiċi jew programmi oħra magħmula mill-Awtorità bis-saħħa tas-subparagrafu (i) tal-paragrafu (g) ta’ l-artikolu 7 ta’ l-imsemmija Ordinanza, jew ta’ kull direttiva oħra maħruġa mill-Awtorità taht l-Ordinanza msemmija bi twettiq tad-dmirijiet u funzjonijiet tagħha.

L-EWWEL SKEDA

Artikolu 16(3)

GHANIJET LI GHANDU JIĠI MAHSUB GHALIHOM

F'LIĊENZJI U KUNTRATTI

GHALL-PROVDIMENT TA' SERVIZZI TAX-XANDIR

1. Liċenzja ghandha tinkludi –

- (a) dawk il-kundizzjonijiet li l-Awtorità jkun jidhrilha li jkunu xierqa b'konsiderazzjoni ghal kull dmirijiet li jkunu jew li jistgħu jkunu imposti fuqhom, jew fuq id-detentur tal-liċenzja, bi jew taht dan l-Att;
- (b) kundizzjonijiet li jawtorizzaw is-sorveljanza u l-infurzar ta' livelli tekniċi f'konnessjoni mal-provdiment tas-servizz b'liċenzja inkluż l-użu tal-frekwenza allokata;
- (ċ) kundizzjonijiet li jitolbu l-hlas mid-detentur tal-liċenzja (kemm jekk ma' l-ghoti tal-liċenzja jew f'dawk iż-żminijiet wara dak l-ghoti li jistgħu jiġu stabbiliti mil-liċenzja jew bis-sahha tal-liċenzja, jew it-tnejn) ta' dritt jew drittijiet ta' ammont jew ammonti hekk stabbiliti;
- (d) kundizzjonijiet li jitolbu lid-detentur tal-liċenzja biex iforni lill-Awtorità, b'dak il-mod u f'dawk iż-żminijiet li l-Awtorità tista' raġonevolment titlob, b'dak it-tagħrif, inklużi dokumenti, prospetti, kontijiet u dikjarazzjonijiet li hija tkun tehtieg għall-iskop ta' eżerċitar tal-funzjonijiet assenjati lilha bi jew taht dan l-Att;
- (e) kundizzjonijiet li jitolbu lid-detentur tal-liċenzja, jekk jinstab mill-Awtorità li jkun qed jikser xi kundizzjoni tal-liċenzja tiegħu, biex jirrifondi lill-Awtorità, f'dawk iċ-ċirkostanzi li jkunu speċifikati f'xi kundizzjonijiet, kull spejjeż raġonevolment magħmula minnha f'konnessjoni mal-ksur ta' dik il-kundizzjoni;
- (f) kundizzjonijiet li jipprovdu għal dawk il-materji inċidentali jew supplimentari li l-Awtorità jkun jidhrilha li jkunu xierqa.
- (g) kundizzjonijiet li jitolbu mid-detenturi ta' liċenzji, hlief dawk li jipprovdu servizz tar-radju fil-komunità, li f'kull sena finanzjarja, jagħtu lill-Awtorità kopji tal-kontijiet tagħhom verifikati, dikjarazzjoni relattiva għall-31 ta' Diċembru ta' kull sena dwar l-attivitajiet/struttura tal-korporazzjoni tad-detenturi tal-liċenzji, kif ukoll rapporti tal-qaghda ta' l-opinjoni pubblika dwar is-servizzi ta' programmi tagħhom.
- (h) kundizzjonijiet li jitolbu lid-detenturi ta' liċenzji, hlief dawk li jipprovdu servizzi tar-radju fil-komunità, li jagħmlu użu minn sistema ta' antenna komuni.

2. Liċenzja ghandha b'mod partikulari tinkludi –

- (a) kundizzjonijiet li jitolbu lid-detentur tal-liċenzja –
 - (i) biex ihares kull direttiva mogħtija mill-Awtorità dwar dawk il-materji li jkunu speċifikati fil-liċenzja jew li jkunu ta' deskrizzjoni hekk speċifikata;
 - (ii) (hlief safejn l-Awtorità tikkonsenta li jagħmilhom jew li ma jagħmilhomx) biex ma jagħmilx jew biex jagħmel dawk il-hwejjeġ li jkunu speċifikati fil-liċenzja jew li jkunu ta' deskrizzjoni hekk speċifikata;
 - (iii) biex jimxi mas-servizz ta' programmi ("*promise of performance*") kif approvat mill-Awtoriata`.
- (b) kundizzjonijiet li jitolbu lid-detentur tal-liċenzja biex jippermetti lil –
 - (i) kull impjegat ta' l-Awtorità jew kull persuna awtorizzata mill-Awtorità, jew
 - (ii) kull uffiċjal tal-Ministru responsabbli għat Telegrafija Minghajr Fili jew kull persuna awtorizzata mill-istess Ministru,li jidhol f'kull post li jkun użat f'konnessjoni max-xandir tas-servizz b'liċenzja u li jispezzjona, jeżamina, jopera jew jittestja xi tagħmir fuq il-post li jintuża f'dik il-konnessjoni; u
- (ċ) kundizzjonijiet li jitolbu lid-detentur tal-liċenzja –
 - (i) biex iżomm, għal perijodu ta' disghin (90) jum, recording ta' kull programm inkluż fis-servizz b'liċenzja;
 - (ii) biex, fuq it-talba ta' l-Awtorità jew ta' Qorti tal-Ġustizzja, jipproduċi lilha kull recording tali;
 - (iii) biex iżomm, għal perijodu ta' sena, traskrizzjoni ta' kull programm ta' ahbarijiet inkluż fis-servizz b'liċenzja;
 - (iv) biex fuq it-talba ta' l-Awtorità jew ta' Qorti tal-Ġustizzja jipproduċi lilha kull tali traskrizzjoni ta' ahbarijiet u kull script jew traskrizzjoni oħra ta' programm inkluż fis-servizz b'liċenzja li huwa jkun jista' jipproduċi lilha;
 - (v) biex iżomm kopja għal perijodu ta' tmax-il xahar tax-xandiriet kollha tas-servizz b'liċenzja;
 - (vi) biex fuq it-talba ta' l-Awtorità jew ta' Qorti tal-Ġustizzja, jipproduċi lilha dawk il-kopji;
 - (vii) biex jaddotta sistema biex jipproċessa ilmenti minghand telespettaturi u semmiegħa.

3. Liċenzja għal servizzi bir-radju fil-komunità għandha tinkludi

kundizzjonijiet li jimpedixxu lid-detentur tal-liċenzja milli –

- (a) juża xi frekwenza allokata lil Malta b'xi ftehim internazzjonali;
- (b) itellef xi stazzjon tax-xandir nazzjonali li jintlaħaq minn Malta sew jekk dan ikun qed jixxandar minn Malta jew minn barra;
- (ċ) itellef xi servizz tar-radju mal-pajjiż kollu;
- (d) jkollu daqs ta' area li tintlaħaq li tkun teċċedi radius ta' 2.5 kilometri mill-punt tat-trasmissjoni, liema area tiġi stabbilita permezz ta' testijiet attwali;
- (e) jinkludi xi haġa fil-programmi li toffendi s-sens ta' gosti tajba jew tad-deċenza jew li tista' tinkoraġġixxi jew tincita lil xi hadd biex jikkommetti xi reat jew li tista' twassal għad-disordni jew li tista' toffendi l-morali pubblika; u
- (f) jittrasmetti programmi ta' aħbarijiet jew ta' avvenimenti kurrenti hlief għal dawk li għandhom x'jaqsmu mal-komunità;
- (g) juża frekwenza allokata għal inqas minn għoxrin (20) siegħa fil-gimgha.

IT-TIENI SKEDA

Artikolu 11 (1)(ċ)

PJAN NAZZJONALI GHAX-XANDIR

Prinċipji Ġenerali

1. Il-Pjan Nazzjonali għax-Xandir jagħti espressjoni lil dawn il-prinċipji li ġejjin:

- (a) Il-libertà ta' espressjoni, ittrattata fl-artikolu 41 tal-Kostituzzjoni, għandha tiġi interpretata fis-sens li tiggarrantixxi l-pluraliżmu fix-xandir. Dan l-artikolu jiggarrantixxi l-libertà li wiehed jirċievi ideat u tagħrif mingħajr indhil, u libertà li jikkomunika ideat u tagħrif mingħajr indhil (kemm jekk il-komunikazzjoni ssehh lill-pubbliku in ġenerali jew lil xi persuna jew lil xi klassi ta' persuni).
- (b) Is-servizzi pubbliċi tax-xandir għandhom jibqgħu indipendenti mill-Gvern f'dik li hi responsabbiltà editorjali u kemm jista' jkun ukoll fil-qasam ekonomiku u dak regolatorju.
- (ċ) Minhabba l-qawwa, l-immedjatezza u l-influwenza tax-xandir għandu jkun hemm provvediment kontinwu, kemm permezz tal-liġi kif ukoll permezz ta' għassa regolatorja, biex jithares il-livell tal-programmi, inkluż il-mod kif jintwerew il-vjolenza u s-sess.
- (d) Hemm differenzi sinifikanti bejn ir-radju u t-televiżjoni bħala mezzi tax-xandir u dawn għandhom ikunu riflessi fl-arranġamenti regolatorji rispettivi.
- (e) Għandu jkun hemm l-opportunità biex jiżviluppaw servizzi godda skond kif jitlob is-suq, u l-Gvern m'għandux jipprova jiddetermina artifiċjalment is-suċċess relattiv tat-teknoloġiji differenti involuti.
- (f) M'għandux ikun hemm limitazzjonijiet bla bżonn dwar il-medda, il-varjetà u l-kwalità tal-programmi li minnhom jistgħu jagħżlu t-telespettaturi u s-semmiegħa.
- (g) Għandhom jiziedu l-opportunitajiet biex wiehed ikun jista' jagħżel direttament hu stess il-programmi televiżivi u tar-radju.
- (h) Wiehed għandu joqgħod b'seba' għajnejn biex jiġu evitati każijiet ta' Prattika mhux kompetittiva u okkażjonijiet fejn tingħata stampa mgħawġa tas-suq. Għal din ir-raġuni wkoll għandu jkun hemm separazzjoni ikbar bejn il-funzjonijiet differenti li jiffurmaw ix-xandir u li fl-imghoddi kienu miġbura f'organizzazzjoni waħda.

Televiżjoni

- 2 (1) Għandu jiġi stabbilit il-pluraliżmu fis-sistema tat-televiżjoni Maltija.
- (2) Bħala l-ewwel pass, bl-introduzzjoni ta' sistema tat-televiżjoni bil-cable se jkun hemm kanal tal-komunità imhaddem minn jew għall-Awtorità tax-Xandir.

(3) Kanal edukattiv jiġi wkoll imhaddem flimkien mad-Dipartiment ta' l-Edukazzjoni.

(4) Se jkun hemm post ukoll ghal kanali godda privati fis-sistema bil-cable li tallokahom l-Awtorità.

3. Fi żmien erba' snin, u skond kemm tkun infirxet is-sistema bil-cable, il-Gvern jiddeċidi jekk jipprovdix il-frekwenzi ghal trasmissjonijiet privati mill-art jew inkella jkomplix joqghod fuq is-sistema bil-cable.

4. Flimkien mas-settur privat, il-Gvern jinteressah li dan is-suq għdid u importanti tat-televizjoni bis-satellita jesplorah kif ukoll li r-riżorsi ta' Malta fil-frekwenzi jutilizzahom.

5. Fl-1989 il-Gvern ghamel il-liġi mehtieġa li biha l-individwi kellhom il-permess jirċievu sinjali televiżivi minn satelliti tat-telekomunikazzjonijiet bil-kundizzjoni biss li jkunu mharsa l-kunsiderazzjonijiet estetici u tekniċi. Dan sehh wara d-deċiżjoni tal-Gvern fl-1988 li lil-lukandi u lill-kumpleksi turistiċi, iħallihom iwahhlu l-plattini li jirċievu s-sinjali mis-satelliti.

Radju

6. Fl-opinjoni tal-Gvern ma jidhirx li bhalissa hemm xi prospetti li jiżdiedu s-servizzi nazzjonali bir-radju fuq il-faxxa MW. Biss il-Gvern jikkunsidra l-possibilità li fuq din il-faxxa jistgħu jiġu żviluppati servizzi internazzjonali.

7. Il-Gvern jemmen li hemm post għal għaxar servizzi nazzjonali bir-radju fuq il-faxxa VHF/FM u l-Gvern se jqiegħed għad-dispożizzjoni ta' l-Awtorità żewġ frekwenzi mono u tmien frekwenzi stereo għal dawn is-servizzi. Huwa mistenni li tnejn minn dawn is-servizzi, wiehed mono u wiehed stereo, ikunu provduti bħala parti mis-servizzi pubbliċi tax-xandir.

8. Il-liċenzji għal servizzi nazzjonali bir-radju fil-Gżejjer Maltin għandhom jingħataw mill-Awtorità lil ċittadini magħżulin Maltin, jew kumpaniji kontrollati mill-Maltin u irreġistrati f' Malta, biex jipprovdu dan li ġej:

- (a) seba' servizzi (inkluż wiehed li jipprovdih l-Istat) li għandhom jittrasmettu għal mill-inqas tmax-il siegħa kuljum u li jkunu jinkludu programmi edukattivi, informattivi u ta' divertiment biex jolqtu gosti u interessi varji u ma jkunux ta' sura limitata. B'danakollu numru minn dawn is-servizzi jistgħu jkunu iżjed mahsuba għat-turisti;
- (b) tliet servizzi stereo li jxandru live erbgħa u għoxrin siegħa il-wiehed u li jipprovdu mużika, informazzjoni, analiżi ta' aħbarijiet, intervisti u programmi ta' diskussjoni bil-partecipazzjoni telefonika tas-semmiegħa.

9. Dawk l-għaqdiet, persuni jew kumpaniji li għandhom interess jipprovdu xi servizz nazzjonali minn dawk imsemmija hawn fuq iridu jipprovdu d-dettalji kollha tal-programmi li jipproponu li jxandru kif ukoll id-dettalji shaħ tekniċi dwar hwejjeġ bħal studio u faċilitajiet għat-trasmissjoni flimkien mad-dettalji dwar fejn se jqiegħduhom. Iridu jipprovdu wkoll l-informazzjoni kollha rilevanti dwar il-finanzjamenti, il-programm ta' investiment u informazzjoni obra simili.

10. Sabiex ikompli jtkabbru l-pluralizmu u d-dritt ta' l-aċċess, ghandu jkun permess u inkoraġġit ix-xandir fil-komunità.

11. (1) Il-Gvern, permezz ta' l-Awtorità, se jhalli 'l min irid ixandar programmi fil-komunità juża l-faxxa VHF/FM.

(2) Dawn l-istazzjonijiet mhux mistenni minnhom li jipprovdu "servizz ta' xandir pubbliku" bhal dak deskritt hawn fuq għal servizzi nazzjonali. L-intenzjoni hi li dawn l-istazzjonijiet ikollhom regolamenti mill-inqas sa fejn jippermetti l-interess pubbliku; ikollhom il-libertà jesprimu l-opinjoni editorjali tagħhom; ikunu jistgħu jxandru programmi sponsorjati; u jkun jista' jkollhom it-trasmettitur tagħhom stess biex b'hekk huma stess ikunu jistgħu jxandru.

Regolamentazzjoni

12. L-Awtorità jkollha r-responsabbiltà li talloka l-frekwenzi, identifikati mill-Gvern, u tohrog il-liċenzji. L-istazzjonijiet ikollhom ir-responsabbiltà huma stess għall-arrangamenti li jridu jagħmlu biex jittrasmettu u jkollhom jittrasmettu fuq frekwenza waħda. B'mod ġenerali, l-istazzjonijiet ma jkunux jistgħu jirċievu fondi pubbliċi, imma jkun hemm xi eċċezzjonijiet definiti b'mod ċar. In-numru u l-iskala ta' servizzi tal-komunità jkunu jiddependu biss mit-talba lokali u x-xewqa li jkunu hemm għalihom. Il-Gvern jiehu hsieb johloq l-ambjent li fih ir-radju fil-komunità jkun jista' jilhaq il-potenzjal tiegħu fuq pedament sod ta' identità lokali.

13. Għal dak li għandu x'jaqsam mas-servizzi bir-radju, l-obbligu kostituzzjonali dwar l-imparzjalità u l-provvediment tal-faċilitajiet ikunu qed jiġu rispettati b'mod shih meta ċ-ċittadin mhux biss ikollu aċċess għal dan il-mezz imma jkun jista' jużah ukoll b'mod kompletament illiberalizzat.

14. Il-Gvern jibqa' jikkontrolla b'mod regolatorju t-tip ta' tagħmir u l-mod kif jaħdem ix-xandir nazzjonali u fil-komunità. U dan biex ma jhallix li jsir indhil lil haddiehor li jkun qed juża xi parti mill-medda tar-radju. Stazzjon tista' tiġih it-tentazzjoni li jkabbar il-qawwa tat-trasmettitur tiegħu biex jilhaq udjenza ikbar. Għalhekk fil-liċenzja li tohrog, l-Awtorità tispesifika l-livell ta' qawwa li jkun permess, eċċ. L-istazzjonijiet ikollhom ukoll joqogħdu attentu biex ma jiksrux il-kundizzjonijiet tal-liċenzja billi jidhlu fuq haddiehor minhabba nuqqasijiet ta' inġinerija. L-organu responsabbli kemm f'dawk li huma kwistjonijiet tekniċi kif ukoll f'dawk li għandhom x'jaqsmu mal-frekwenzi jibqa' l-Ministru responsabbli għat-Telegrafija Mingħajr Fili.

15. Fil-livell nazzjonali u tal-komunità, kull stazzjon liċenzjat ikollu jahseb hu għall-finanzi tiegħu. Ovjament il-flus jistgħu jiġu mir-reklamar, minn hlas volontarju jew minn għotjiet.

Servizzi pubbliċi tax-xandir

16. L-ebda għaqda, persuna jew kumpanija, minbarra l-Istat, ma tkun tista' tippossjedi, tikkontrolla jew tkun responsabbli bhala editur għal iżjed minn servizz wiehed tax-xandir.

17. Is-servizzi pubbliċi tax-xandir għandhom ikollhom sehem speċjali fl-istruttura tax-xandir fil-gżejjer Maltin. Wiehed jistenna li jipprovdu programmi ta' kwalità għolja mal-medda kollha tal-gosti tal-pubbliku u ta' l-interessi tiegħu;

is-servizzi pubbliċi għandhom dover partikolari biex jipprovdu programmi ta' natura edukattiva u kulturali. Huma għandhom jikkonċentraw fuq il-livelli għolja ta' edukazzjoni ta' l-impjegati fil-waqt li jipprovduhom taħriġ minn żmien għal żmien u jridu jaddottaw metodi ta' produzzjoni fil-programmi u bulettini ta' l-aħbarijiet li huma ta' livell kontemporanju internazzjonali. Għalhekk huma jridu wkoll jikkunsidraw li jqassmu x-xogħol ta' produzzjoni u servizzi oħra lil studios, producers jew kumpaniji barra skond l-esiġenzi tal-mument jew fuq bażi kontrattwali oħra sakemm dawn jilhqg l-livell meħtieġ.

18. Il-monopolju ta' l-Istat fix-xandir f'Malta se jintemm.
19. Il-mezzi pubbliċi tax-xandir f'Malta issa se jinkludu:
 - (a) Public Broadcasting Services Ltd, bil-kanal tat-televiżjoni tagħha u żewġ servizzi bir-radju;
 - (b) Il-kanal tal-komunità u l-kanal edukattiv tas-sistema bil-cable.
20. Ix-xandir pubbliku għandu r-responsabbiltà partikolari li jipprovdi aħbarijiet u programmi ta' avvenimenti kurrenti li jirrispettaw il-htigiet kostituzzjonali ta' imparzjalità. Dawn iridu jimxu ma' prinċipji ġurnalistiċi li jiżguraw servizz ta' informazzjoni li jagħti stampa ċara u qrib il-verità fl-interess ta' soċjetà demokratika u pluralistika. Iridu jkunu minn ta' quddiem biex jipprovdu servizz televiżiv ta' kwalità lill-pubbliku Malti f'dawk li huma programmi, aħbarijiet u analiżi, u jkunu kapaċi jinterpretaw ir-regolamenti li l-Awtorità toħroġ għall-programmi ta' aħbarijiet u avvenimenti kurrenti mhux b'rigidità iżda jagħrfu jużaw dawn ir-regolamenti bħala strument flessibbli f'idejn ġurnalisti kreattivi.

Standards Ewropej

21. Il-Gvern se jkompli jiehu sehem attiv fix-xogħol tal-Kunsill ta' l-Ewropa fuq affarijiet li għandhom x'jaqsmu mal-mezzi tax-xandir. Huwa jemmen fl-iżvilupp ta' servizzi bir-radju u bit-televiżjoni, u fit-tneħħija ta' l-ostakli biex il-programmi televiżivi jkunu jistgħu jaqsmu l-fruntieri. Fl-istess hin, il-Gvern jixtieq li jogħla l-livell tal-programmi u mhux ikun imminat minn servizzi oħra li jinqabdu direttament f'Malta minn pajjiżi oħra. Il-Gvern huwa konxju tal-htieġa li jiżgura li l-programmi jilhqg ċertu livell bażiku, speċjalment fejn jidhlu l-gosti u d-deċenza.
22. Permezz tal-partecipazzjoni tiegħu fil-Kunsill ta' l-Ewropa, il-Gvern segwiha din il-kwistjoni tar-regolamentazzjoni internazzjonali. Il-politika tal-Gvern hija ċara. Se jsegwi l-Konvenzjoni l-ġdida Ewropea dwar it-Televiżjoni li taqsam il-Fruntieri.
23. Il-Gvern qed isegwi x-xogħol li se jwassal għad-Direttiva tal-Komunità Ewropea dwar is-servizzi bis-satellita. Din id-Direttiva għandha tkopri kwistjonijiet bħall-ġbir ta' l-aħbarijiet permezz tas-satellita u l-operazzjonijiet VSAT (terminals żgħar hafna tas-satellita li sinjal jirċievuh biss, jew li jkunu jistgħu kemm jittrasmettuh kif ukoll jirċievuh).
24. Il-Gvern jappoġġa l-iskop u l-prinċipji tad-Direttiva tal-Komunità tat-3 ta' Ottubru 1989 (89/552/EEC) li tgħin lill-industrija tat-televiżjoni fl-Ewropa billi telimina l-ostakli li jxekklu x-xandir hieles tas-servizzi televiżivi u tikkoordina ċerti provvedimenti li jikkonċernaw l-insewiment ta' attivitajiet ta' xandir

televiziv. Eventwalment, ghalhekk, il-Gvern se jirrevedi l-ligijiet ta' Malta, jew fejn ikun mehtieg ighaddi ligijiet u regoli godda fil-qasam tax-xandir, biex jikkonforma ma' l-intenzjoni tad-Direttiva.

25. Dawn l-istrumenti tal-Komunità Ewropea u tal-Kunsill ta' l-Ewropa se jagħtu s-sehem tagħhom biex jinżamm il-livell tal-programmi fl-Ewropa, filwaqt li jwarrbu x-xkiel li s'issa kien jostakola t-trasmissjoni hielsa tax-xandir. Dawn l-istrumenti jaqblu wkoll mal-linji generali li jsegwi l-Gvern fil-każ tax-xandir domestiku meta jistabbilixxi qafas regolatorju li bis-saħħa tiegħu jizdiedu l-attivitajiet fix-xandir u l-opportunitajiet kemm għal min ixandar kif ukoll għat-tele spettaturi.

IT-TIELET SKEDA

Artikolu 19 (2)

KODIĊI GĦAL REKLAMAR U SPONSORSHIPS

Livelli ġenerali

1. Ir-reklamar ma għandux:
 - (a) jippreġudika r-rispett għad-dinjità umana
 - (b) jinkludi xi diskriminazzjoni għal raġunijiet ta' razza, sess jew nazzjonalità
 - (ċ) joffendi t-twemmin reliġjuż jew politiku
 - (d) jinkoraġġixxi mgieba li tkun ta' preġudizzju għas-saħħa jew għas-sigurezza
 - (e) jinkoraġġixxi mgieba li tkun ta' preġudizzju għall-protezzjoni ta' l-ambjent
 - (f) ikun ta' natura politika
 - (g) jiġi mdahhal f'xi xandira ta' servizz reliġjuż.
2. Ebda persuna li tkun awtorizzata biex ixxandar reklami kummerċjali ma għandha tillimita dak ir-reklamar għal oġġetti jew servizzi ta' grupp kummerċjali jew finanzjarju wahdieni jew taġti xi dritt esklussiv għal reklamar kummerċjali ta' prodott jew servizz speċifiku.
3. Fl-aċċettazzjoni ta' reklami ma għandu jkun hemm ebda diskriminazzjoni irragionevoli jew kontra jew favur xi hadd partikulari li jkun irid jagħmel reklam.

Forom u Preżentazzjoni

4. Ir-reklami għandhom ikunu distingwibbli b'mod ċar bħala tali u rikonossibbilment separati mill-hwejjeg l-oħra tas-servizz b'mezzi ottiċi u akustiċi. Fil-prinċipju, huma għandhom jiġu trasmessi fi blocks.
5. Reklami suċċessivi għandhom b'mod rikonossibbli jkunu separati f'tekniki partikulari bħal dawk deskritti fl-artikolu 19 ta' dan l-Att.
6. Ir-reklami ma għandhomx jiġu irrangati u ippreżentati b'tali mod li xi reklam separat jidher li jkun konness ma' feature kontinwu.
7. Materji awdibbli f'reklami ma għandhomx ikunu storbuġi jew ighajtu ż-żejjed.
8. Ir-reklamar ma għandux juża tekniki *subliminal* jiġifieri tekniki li bl-użu ta' immaġini għal żmien qasir hafna jew b'kull mezz ieħor, jesplojtaw il-possibbiltà li tibghat messaġġ li, jew tinfluwixxi l-imhuh ta', membri ta' udjenza

mingħajr ma huma stess jindunaw, jew jindunaw bis-shih b'dak li jkun ġara.

9. Għandu jkun projbit reklamar b'ingann, jiġifieri r-rappreżentazzjoni fi kliem jew immaġini ta' prodotti, servizzi, l-isem, *trade mark*, jew attivitajiet ta' manifattur ta' prodotti jew ta' min jipprovdi servizzi, fi programmi meta dik ir-rappreżentazzjoni hi intiża minn min qed ixandar li sservi ta' riklam u tista' tfixxkel lill-pubbliku dwar in-natura tagħha. Dik ir-rappreżentazzjoni tkun meqjusa li tkun intenzjonata jekk issir in kambju għal pagament jew kunsiderazzjoni ohra simili.

Tidhil tar-reklami

10. Ir-reklami għandhom jiddaħhlu bejn il-programmi. Bil-kondizzjoni li jiġu sodisfatti l-kundizzjonijiet li jinsabu fil-paragrafi 11 sa 14 ta' din l-iskeda, ir-reklami jistgħu wkoll jiġu mdahhla waqt programmi b'tali mod li l-integrità u l-valur tal-programm, waqt li jittiehed kont ta' intervalli naturali fil-programm u tat-tul u n-natura tal-programm, u d-drittijiet tad-detenturi tad-drittijiet ma jiġux preġudikati.

11. Fi programmi li jikkonsistu f'partijiet awtonomi, jew fi programmi ta' l-isports u avvenimenti u rappreżentazzjonijiet ta' għamla simili li jikkomprenđu intervalli, ir-reklami għandhom jiddaħhlu biss bejn il-partijiet jew fl-intervalli.

12. It-trasmissjoni ta' xoghlijiet awdjovizivi bħalma huma feature films u films magħmula għat-televizjoni (eskluzi sensieli, episodji, programmi ta' divertiment hafif u dokumentarji), bil-kundizzjoni li t-tul programmat tagħhom ikun ta' aktar minn 45 minuta, jistgħu jiġu interrotti darba għal kull perijodu shih ta' 45 minuta. Interruzzjoni ohra tithalla ssir jekk it-tul programmat tagħhom ikun għall-inqas 20 minuta itwal minn żewġ perijodi shah jew aktar ta' 45 minuta.

13. Meta l-programmi, minbarra dawk koperati bil-paragrafu 11, jiġu interrotti bir-reklami, għandu jgħaddi perijodu ta' mill-inqas 20 minuta bejn kull intervall suċċessiv ta' reklamar fil-programm.

14. L-ahbarijiet u l-programm ta' avvenimenti kurrenti, dokumentarji, programmi reliġjużi, u programmi tat-tfal, meta t-tul programmat tagħhom ikun inqas minn 30 minuta, ma għandhomx jiġu interrotti bir-reklami. Jekk it-tul programmat tagħhom ikun ta' 30 minuta jew iżjed, id-dispożizzjonijiet tal-paragrafi preċedenti għandhom japplikaw.

Reklamar ta' prodotti partikulari

15. Kull forma ta' reklamar ta' sigaretti u prodotti ohra tat-tabakk għandha tkun projbita.

16. Ir-reklamar ta' prodotti mediċinali u kura medika disponibbli biss b'ricetta għandu jkun projbit.

17. Ir-reklamar ta' mediċini u kura medika ohra kollha għandu jkun distingwibbli b'mod ċar bħala tali, onest, jgħid il-verità u suġġett għall-verifika u għandu jikkonforma mal-htieġa ta' protezzjoni ta' l-individwu minn ħsara.

18. Ir-reklamar ta' xorb alkoholiku għandu jikkonforma mal-kriterji li ġejjin:

(a) huwa ma għandux ikun immirat speċifikament għall-minuri jew,

partikolarment, jirrappreżenta minuri jakkwistaw jew jikkunsmaw dan ix-xorb;

- (b) huwa ma ghandux jghaqqad il-konsum ta' l-alkohol ma' funzjonament fiziku ahjar jew mas-sewqan;
- (c) huwa ma ghandux johloq l-impressjoni li l-konsum ta' l-alkohol jikkontribwixxi għal suċċess soċjali jew sesswali;
- (d) huwa ma ghandux jallega li l-alkohol ghandu kwalitajiet terapewtiċi jew li huma stimulant, jew sedattiv jew mezz li bih wiehed jirrisolvi konflitti personali;
- (e) huwa ma ghandux jinkoraġġixxi konsum bla moderazzjoni ta' alkohol jew jippreżenta l-astinenza jew moderazzjoni f' dawl negattiv;
- (f) huwa ma ghandux iqiegħed enfasi fuq il-kontenut għoli ta' alkohol bħala li jkun kwalità pożittiva tax-xorb.

Reklamar mahsub għall-minuri

19. Ir-reklamar ma ghandux jikkaguna hsara morali jew fizika lill-minuri, u għalhekk ghandu jikkonforma mal-kriterji li ġejjin għall-protezzjoni tagħhom:

- (a) huwa ma ghandux direttament jeżorta lill-minuri biex jixtru prodott jew servizz billi jesplojta l-inesperjenza jew kredulità tagħhom;
- (b) huwa ma ghandux direttament jinkoraġġixxi lill-minuri biex jipperswadi lill-ġenituri tagħhom jew lil oħrajn biex jixtru l-oġġetti jew servizzi li jkunu qed jiġu reklamati.
- (c) huwa ma ghandux jesplojta l-fiduċja speċjali li l-minuri ghandhom fil-ġenituri, għalliema jew persuni oħra;

Sponsorship

20. Il-programmi sponsorjati għandhom jissodisfaw dawn il-htigiet li ġejjin:

- (a) il-kontenut u l-iskjedar ta' programmi sponsorjati ma jistgħu fl-ebda ċirkostanzi jkunu influwenzati minn min jisponsorjahom b'tali mod li jaffettwaw ir-responsabbiltà u l-indipendenza editorjali ta' min ixandar għar-rigward tal-programmi;
- (b) huma għandhom ikunu identifikati b' mod ċar bħala tali bl-isem u/jew logo ta' min jisponsorjahom fil-bidu u/jew fit-tmiem tal-programmi.

Sponsorship projbit

21. Il-programmi ma jistgħux ikunu sponsorjati minn persuni naturali jew legali li l-attività prinċipali tagħhom hija l-manifattura jew il-bejgħ ta' prodotti, jew il-provdiment ta' servizzi, li r-reklamar tagħhom huwa projbit bil-paragrafi 15 u 16.

22. L-ahbarijiet u l-programmi ta' avvenimenti kurrenti ma jistghux jigu sponsorjati.

Tul

23. L-ammont ta' reklamar ma ghandux jeccedi 15% tal-hin tat-trasmissjoni ta' kuljum. Madankollu dan il-percentageg jista' jigi awmentat ghal 20% biex jinkludi forom ta' reklami bhalma huma offerti diretti lill-pubbliku għall-bejgh, xiri jew kiri ta' prodotti jew għall-provdiment ta' servizzi, basta li l-ammont ta' reklamar 'spot' ma jeccedix 15%.

24. L-ammont ta' reklamar 'spot' f'perjodu ta' siegħa ma ghandux jeccedi 20%.

25. Bla hsara għad-dispożizzjonijiet tal-paragrafu 23, forom ta' reklami bhalma huma offerti diretti lill-pubbliku għall-bejgh, xiri jew kiri ta' prodotti jew għall-provdiment ta' servizzi ma għandhomx jeccedu siegħa kull gurnata.

26. Il-hin imholli għar-reklami fuq servizzi tar-radju ma ghandux jeccedi 25% f'perjodu ta' siegħa, iżda parti minn dak il-hin għar-reklami jista' jigi aggregat għal perjodu kontinwu li ma jeccedix is-sagħtejn f'kull perjodu ta' tnax il-siegħa.

Eżenzjonijiet

27. Il-paragrafi 10 sa 14 u 23 sa 25 ma għandhomx japplikaw għal servizzi tar-radju.

IR-RABA' SKEDA

Artikolu 35

**A. APPLICATION FORM FOR A VHF/FM
NATIONWIDE SOUND BROADCASTING RADIO SERVICE**

- (a) Applicants are requested to note that they will be required to use the VHF/FM Master Antenna System which is to be installed at the existing television antennae site at Gharghur.
- (b) Applications should be typed. Twelve copies of this completed form are required. Only add separate sheets where it is indicated you may do so; otherwise responses must be kept within the space allocated. Appendices giving additional information, or any other material (e.g. cassettes, publicity documents), should not be enclosed unless specifically requested. Failure to comply with these requirements will render the application liable to disqualification. Following the presentation of this application form to the Broadcasting Authority any contact between the applicant and the Authority should only be at the instigation of the Authority.
- (c) This form, when completed, should be addressed to the Chairman of the Broadcasting Authority.

1a. PROPOSED STATION NAME
(or name by which the applicant is usually known).

1b. NAME, ADDRESS AND TELEPHONE NUMBER(S) OF MAIN ORGANISER(S) OF THIS APPLICATION

(for contact purposes: maximum two persons).

Name (1) (2)

Address

Telephone
(daytime)

1c. LEGAL STATUS OF APPLICANT

(see Section 10, subsections (4) to (6) of Part III of the Broadcasting Act, 1991).

2. CONTENT AND STYLE OF PROGRAMMING (maximum 60 words)

(This is your 'Promise of Performance' – see Section 5a of this form).

3. MEMBERS OF APPLICANT GROUP – overleaf give name, age, address, nationality (if not Maltese) and other activities (e.g. other directorships) of each. Briefly describe personal background and previous experience, especially that which is relevant to running this radio service.

3a. MANAGING DIRECTOR

Name:

Age:

Address:

Nationality:

Background/Experience:

3b. DIRECTORS / MANAGEMENT COMMITTEE

For each individual, provide the following information (use additional sheets if necessary) :

Name:

Age:

Address:

Nationality:

Background/Experience:

3c. DESCRIBE HOW, AND WHEN, THE APPLICANT GROUP WAS FORMED, AND HOW IT HAS DEVELOPED.

Mention any other organisations lending support to this application.

4. STAFFING

- 4 a.** Draw up a reporting structure showing station management and organisation, including all intended staff posts, with salaries. (Use one additional sheet if necessary).

4 b. **EXECUTIVES / SENIOR STAFF** (including those mentioned at Section 3) – give name, age, address and nationality (if not Maltese) of any individuals so far appointed or identified for station management or other senior staff posts. Briefly describe personal background and relevant previous experience, and state which post the individual would occupy. (Use additional sheets if necessary).

4c. Give total number of (i) full-time and (ii) part-time staff actually employed or to be employed in paid posts.

(i) Full-time

(ii) Part-time

Actually employed

To be employed

4d. If appropriate, indicate how voluntary (i.e. unpaid) staff would contribute to the running of the station, and how many volunteers might be involved during a typical week.

5. PROGRAMMING

5a. Make your promise of programming performance, stating, in not more than sixty words, the precise nature of the programme service you intend to provide. If possible, quantify in approximate terms the proportions of airtime to be devoted to the main elements of output. (Please use same wording as in Section 2).

5b. Briefly describe how your proposed programming will differ from, and add to, the choice of radio output already available.

5c. During which hours of the day do you intend to broadcast? (If different from day to day, please list each day of the week separately).

5d Do you intend to broadcast any programmes obtained from a source other than your own radio station? YES NO

IF YES, STATE:

When? (State times of day)

For how many hours per week in total?

From what source(s)? (State number of hours per source)

(Note: If the sharing of a frequency between a number of different contributing groups is planned, please provide an outline of the sharing arrangements proposed, as part of the response to Section 5f below).

5e. What arrangements will you make to obtain:

National news?

International news?

5 f. Provide an outline on these pages of a proposed typical week's programming, indicating the times of broadcasting and the length and type of items likely to be included. Indicate also whether any increase in hours is expected, and when.

5 f. (contd.)

5 f. (contd.)

5g. What, if any, are your plans for preparing and broadcasting national information, social action and/or religious programming? Please include details of any proposals for off-air activity, e.g. the provision of training facilities.

5h. If programming in languages other than Maltese is proposed, state which, and give approximate proportions of total output to be broadcast in these languages.

6. THE AUDIENCE

- 6a. How large an audience do you expect to attract? Will your station appeal especially to particular groups within the population (if so, say which)? What evidence do you have of public demand for the type of programme service you propose? (If specific audience research has been carried out, use this and a maximum of one additional page to summarise main findings of relevance. Do not include full audience research reports with the application).

6b. By what means would the station plan to keep in touch with the views of its listeners, and their responses and reactions to its services?

6c. Are there any particular organisations or groups within the Maltese islands which you would expect to involve on a regular basis in the station's programming, or on an advisory basis?

7. FINANCIAL ARRANGEMENTS

7a. Applicants should submit a feasibility study analysis covering three (3) years as a minimum which should include:

- (i) Projected profit and loss statement – first year per quarter;
- (ii) Projected cash flow statement – first year per quarter;
- (iii) Projected balance sheet for the three years;
- (iv) Projected statement of source and application of funds;
- (v) Details of assumptions on which feasibility study is based;
- (vi) Details of financing arrangements;
- (vii) Details of grants and donations.

7b. Share capital

Classes of share capital:

Number	Par value	Issue Price (if different)
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Voting:

Non voting:

Other: *(Please specify)*

7c. Loan Stock

If loan stock is to be issued, state the amount and redemption/conversion terms.

7d. Set out below the details of all voting shareholders (excluding any nominal membership shares), and holders at 5% or more of non-voting shares and loan stock. (A second page may be added if necessary).

Name of Investor	Address	Invest. Lm	% of total required
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7e. Describe briefly the method by which share/loan capital is to be raised. (Give details of any proposal to have share capital publicly quoted).

7f. Other loans

If appropriate, give details of lender, interest rate and repayment terms.

7g. Bank overdraft facilities

If facilities have been provisionally negotiated, attach a supporting letter from the relevant bank.

Letter dated

Enclosed/Not enclosed
(delete as applicable)

7h. Details of capital expenditure.

8. CASH FLOW FORECAST

In which year of operation is it expected:

(i) first to make a trading profit?

(ii) to have eliminated all cumulative losses?

9. ADVERTISING AND OTHER REVENUE

9a. What arrangements do you propose for the sale of advertising?

9b. Briefly show how you have estimated your annual revenue from the sale of advertising time (taking into account e.g. population coverage, percentage of airtime sold, tariff levels).

9c. Who within the radio station would be responsible for advertising. (Please confirm that he/she will be made familiar with the Code for Advertisements and Sponsorships as laid down in the Third Schedule of the Broadcasting Act 1991).

9d. If you plan to raise revenue from sources other than the sale of airtime for advertising (e.g. merchandising, commercial production, co-funding, etc.), please list these below:

Type/source of revenue	Expected annual income (Yr 1) Lm	% of total revenue required
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10. APPLICANT'S OTHER INTERESTS

10a. Details are required of the involvement by the applicant group in the activities set out below. For these purposes, the applicant group is defined as its directors (or their equivalent), any company or person with a potential holding of 5% or more of any class of voting share or loan capital, or any subscriber otherwise providing 5% or more of the total funding needs identified in paragraph 7b above. Details should be given under the following broad classifications, showing for each heading the extent of the interest owned, i.e. wholly owned, controlling interest (and size thereof), minority interest (and size thereof). If not applicable, write 'None'.

(i) Advertising agencies.

(ii) The manufacture of records or the publication of musical works.

(iii) The promotion of the broadcasting of sound recordings or of the broadcasting of performance of music works.

(iv) The obtaining of employment for theatrical performers or for persons to take part as performers in programmes by way of television or radio.

(v) Newspapers, including shareholdings or holdings in a group having substantial control over one or more newspapers.

10b. Provide details of any connection between the applicant group (as defined above) and the following:

(i) Sound broadcasting, television, and allied activities (e.g. wire distribution of sound or television, satellite and cable television).

(ii) Places of entertainment or other entertainment activities.

(iii) Other connections of a nature relevant or related to broadcasting.

(iv) Connections with bodies of a wholly or mainly religious nature.

(v) Connections with bodies of a wholly or mainly political nature.

11. TRANSMITTERS AND OTHER EQUIPMENT (Until an offer of licence is made, the Authority does not wish to be told which engineering company or consultancy, if any, has been or will be providing advice or services to the applicant).

11a. Assuming that you will be required to use a VHF/FM Master Antenna System and that this would be installed at the existing TV antennae site, Gharghur, give details of the coverage pattern and power and signal level you envisage to provide a good quality signal within the Maltese Islands.

11b. On a separate sheet, list and price all transmitting equipment you either have or intend to purchase, giving performance specifications.

11c. What test equipment do you propose using, and how will you monitor and control important parameters of the signal, including frequency, power, spurious radiation and modulation level?

11d. Please add any technical points regarding transmission, in addition to those given in sections 11a and 11b, including whether you wish to broadcast in stereo.

Mono Stereo

11e. Are you currently using any VHF/FM frequencies or have you any preference for any particular frequency?

12. **STUDIOS** (Until an offer of licence is made the Authority does not wish to be told which engineering company or consultancy, if any, has been or will be providing advice or services to the applicant).

12a. What is the proposed location (give the actual address, if known) of your studio(s)? What is the property currently used for?

12b. What form of acoustical treatment and isolation do you envisage for your studio(s)?

12c. On a separate sheet, insert a rough scale plan of your studio(s), technical areas and other principal rooms, giving all dimensions.

12d. On a separate sheet, list and price all studio equipment you either have or intend to purchase, giving proforma specifications.

12e. Please add any technical points regarding studios, in addition to those given in sections 12a to 12d.

12f. What arrangements do you propose for linking your studio(s) with the transmitter?

13. READINESS DATE

How long after the award of licence would you be ready to start broadcasting? What are the main factors that will determine your readiness date?

I certify that, to the best of my knowledge, the details given in this application for a licence to provide sound broadcasting services are correct, and that I have read the Broadcasting Act 1991 and understand the terms under which licences to broadcast are issued. I understand that, if awarded the licence, tape recordings of all output, apart from commercial tapes, records or discs (with timings), will need to be made and retained for ninety days prior to being recycled and that if phone-ins are part of the station's programming a delay mechanism will need to be installed and instructions given for its use where necessary.

Signature:

Name (in block capitals):

Position within applicant group:

**B. APPLICATION EVALUATION FORM
FOR A VHF/FM NATIONWIDE SOUND
BROADCASTING RADIO SERVICE**

(For Broadcasting Authority use)

PROPOSED STATION NAME:		MARKING Very Good Good Ave. Poor Very Poor 5 4 3 2 1
QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION A: GROUP AND STAFFING		
3a	Managing Director assess suitability and expertise (Mark 2 if no Managing Director or equivalent named)	
3b	Directors (excluding MD): assess expertise and local involvement	
3c	History of group: assess depth of commitment	
4a, c-d	Staffing: assess practicality in relation to programming and financial plans	

QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION A: GROUP AND STAFFING (contd.)		
4b	<p>Executives (including MD): assess expertise and background of individuals mentioned</p> <p>(Mark 2 if no executives are named)</p>	
SECTION B: PROGRAMMING		
5a	<p>Programming approach: assess coherence, as outlined in promise of performance</p>	
5b	<p>Diversity: assess degree to which proposals would genuinely increase choice available to listeners</p>	
5c-d	<p>Independence and co-operation: assess practicality of plans to 'go it alone' or to draw upon outside resources</p>	

QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1–5)
SECTION B: PROGRAMMING (contd.)		
5e-h	Programming plans: assess realism in fulfilling performance brief	
6a	Audience demand: assess validity of evidence for audience targetting proposed	
6b-c	Audience involvement: assess degree to which applicant is in touch with audience	
SECTION C: FINANCE		
7a (i) to (vii)	Financial Arrangements: assess feasibility study analysis	
7b	Share Capital	

QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION C: FINANCE (contd.)		
7c	Loan Stock (Mark 2 if none)	
7d	Details of voting	
7e	Method by which share/loan capital is to be raised	
7f	Other loans (Mark 3 if none)	
7g	Bank overdraft facilities	

QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION C: FINANCE (contd.)		
7h	Details of capital expenditure	
8	Cash flow: assess forecast	
9a-d	Revenue: EITHER assess advertising revenue projections OR assess credibility of alternative proposals for generating income	
10	Applicant's other interests: do these present any potential difficulties (and if so, say what these are)? (Mark 4 for no difficulties, 2 for minor difficulties, 1 for major difficulties)	

QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION D: ENGINEERING		
11a	Coverage pattern, power and signal level, quality of signal: assess conclusions	
11b	Transmitting equipment: assess suitability for task	
11c	Testing equipment: assess suitability	
(NB Incorporate any points in 11d within assessments of 11a-c)		
12a	Studio location: assess practicality	
12b	Acoustical standards: assess provision	

QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION D: ENGINEERING (contd.)		
12c	Studio plans: assess	
12d	Studio equipment: assess	
(NB Incorporate any points in 12e within assessments of 12a-d)		
13	Readiness date: enter date proposed (Mark 4 if feasible, 2 if unlikely, 1 if impossible)	

**C. TECHNICAL CONDITIONS RELATING TO THE ESTABLISHMENT AND
OPERATION OF A VHF / FM STATION FOR A NATIONWIDE SOUND BROADCASTING
RADIO SERVICE IN THE FREQUENCY BAND 87.5 TO 108.0 MHZ**

CONTENTS

- 1 Purpose.
- 2 General.
- 3 Definitions.
- 4 Abbreviations.
- 5 Transmitter Construction.
- 6 Transmission Characteristics.
- 7 Artificial Antenna.
- 8 Safety and Weather Protection.
- 9 Station Certification.
- 10 Station access and Personnel.
- 11 Connection to Public Telecommunications Circuits.
- 12 Environmental Conditions.
- 13 Power Supply.
- 14 Documentation.
- 15 Transmitter Load Protection.
- 16 Site in the National Plan for VHF/FM Nationwide Sound Broadcasting Radio Service
- 17 Changes to characteristics of frequency assignments.

1. PURPOSE

This document specifies the technical conditions attached to a licence issued under the Broadcasting Act 1991 for the establishment and operation of a VHF - FM station for a Nationwide Sound Broadcasting Radio Service in the frequency band 87.5 to 108 MHz.

2. GENERAL

- 2a. These technical conditions detail those characteristics of the equipment that need to be considered for the purposes of frequency spectrum management and safety and do not include detailed equipment specifications.
- 2b. Type approval of equipment is not envisaged. Instead a procedure of station certification, by a qualified person (see section 9) will apply.
- 2c. Revision of the technical requirements specified in this document may be required from time to time.
- 2d. Even though a system may satisfy the requirements specified in this document at the time of authorisation, international agreements may necessitate additional requirements/restrictions for any station.

3. DEFINITIONS

- 3a. *Current Radio Regulations*
The current Radio Regulations are "The Radio Regulations edition of 1990"
- 3b. *Geneva 84 Plan*
The Geneva 1984 Plan is the "Final Acts of the Regional Administrative Conference for the planning of VHF Sound Broadcasting, Geneva 1984".
- 3c. *Assignment (of a radio frequency or radio frequency channel)*
A radio frequency or radio frequency channel for which authorisation has been received for its use at a specified station with specified characteristics.
- 3d. *Effective Radiated Power (e.r.p.)*
The Effective Radiated Power, in a given direction, is the product of a power supplied to the antenna and its gain relative to a half-wave dipole.
- 3e. *Authority*
Authority means the Broadcasting Authority.

4. ABBREVIATIONS

- IEC – *International Electrotechnical Commission*
- EBU – *European Broadcasting Union*
- RDS – *Radio Data Systems*
- CCIR – *International Radio Consultative Committee*

5. TRANSMITTER CONSTRUCTION

5a. *General*

The mechanical and electrical construction shall meet such requirements as can be reasonably set, taking the state of the art into account. (See also Section 8 "Safety and Weather Protection").

All controls, meters, indicators and terminals shall be clearly labelled. Details of the power supply from which the equipment is intended to operate shall be clearly indicated. The equipment should normally consist of one complete unit.

5b. *Controls*

There shall be a control to switch "on" and "off" the power to the entire installation. The "on" position shall be clearly indicated.

Controls which, when wrongly adjusted, increase the risk of causing interference or of improper functioning of the transmitter shall not be immediately accessible to the user.

5c. *Manufacturer's Identification*

The transmitter shall be provided with an indication showing the manufacturer's trade mark, type designation and serial number. The indication shall be fitted on the outside of the transmitter, shall be clearly readable, unremovable and indelible.

6. TRANSMISSION CHARACTERISTICS

6a. *Frequency Aspects*

The equipment shall be designed to operate on the assigned frequency in the frequency band 87.5 to 108 MHz only.

In accordance with Appendix 7 of the current Radio Regulations the frequency tolerance shall be within +/- 2KHz of the nominal value specified in the licence.

The transmit-frequency shall be derived from a crystal-oscillator. If use is made of a synthesiser and/or a phase locked loop system, the transmitter shall be inhibited when synchronisation is absent. The transmitter frequency adjustment control shall not be easily accessible to the user.

6b. *Spurious and Harmonic Emissions*

With the transmitter operating at any power up to its specified power level into its designed load impedance, the level of any spurious or harmonic emissions in the frequency range 100KHz to 2GHz, excluding the range +/-300KHz relative to the unmodulated carrier frequency, shall not exceed a value of 70dB below the unmodulated carrier power. However in the band 108 – 118 MHz the level of any spurious emissions shall be limited to not more than 77dB below the unmodulated carrier.

6c. *Class of Emission, Bandwidth, and Modulation Standards*

(i) *Modulation Standards*

In accordance with the Geneva '84 Plan (Chapter 3), the transmission system used shall be either System 1 : monophonic (with maximum frequency deviation +/- 75KHz) or System 4 : Stereophonic pilot tone system (maximum frequency deviation +/- 75KHz).

(ii) *System 1: Monophonic Transmission*

The radio-frequency signal consists of a carrier frequency modulated by the sound signal after pre-emphasis with a maximum frequency deviation of +/- 75KHz.

(iii) *System 4: Stereophonic Transmission*

The radio-frequency signal consists of a carrier frequency modulated by baseband signal according to

the specifications of the pilot-tone system. The maximum frequency deviation is +/-75 KHz.

(iv) *Pre-emphasis and low pass filter*

The transmitter must be provided with a pre-emphasis filter with a time-constant of 50 microseconds, combined with a low-pass filter with an attenuation of at least 30dB at an input modulation frequency of 20 KHz, relative to the level at 1 KHz.

(v) *Permitted subcarriers for the transmission of supplementary information.*

The addition of a sub-carrier on 57 KHz for the transmission of supplementary information using the Radio Data System (RDS) specified in EBU Document Tech. 3244 is considered as being included in the above designation of Emission and permitted Bandwidth. However prior approval must be obtained from the Authority for the use of this system.

6d. *LF input and RF output impedance*

The nominal LF input impedance shall be 600 Ohms balanced to earth within the modulation frequency range 40 Hz – 15 KHz. The RF output characteristic impedance of the equipment shall be 50 Ohms.

6e. *Transmitter Power*

The transmitter RF output power shall not exceed the value specified in the licence by more than 1dB (26 %). The transmitter must incorporate a suitable meter indicating the RF output power to enable routine checks to be made.

7. ARTIFICIAL ANTENNA

An artificial antenna must be provided for off air testing and equipment alignment at each station. This should consist of non-reactive non-radiating load of 50 Ohms impedance which can be connected to the output of the transmitter.

8. SAFETY AND WEATHER PROTECTION

8a. *Safety*

(i) A broadcasting Transmission Installation shall be so designed, constructed and installed as to prevent danger arising, either in normal use or under fault conditions, to personnel working on, or externally inspecting the system, or to any other person. Safety should be considered under the following headings:

- personal protection against electric shock;
- personal protection against radiation;
- personal protection against physical injury;
- protection against fire;

(ii) The system must comply with IEC Specification 215 (Third Edition 1987) relating to Safety Requirements for Radio Transmitting Equipment.

8b. *Weather Protection*

All apparatus and cables exposed to weather, corrosive atmosphere or other adverse conditions shall be so constructed or protected as may be necessary to prevent danger arising from such exposure.

9. STATION CERTIFICATION

9a. It is the responsibility of the Licensee to ensure that the suitably qualified person has the necessary technical training, knowledge and practical experience so as to be able to certify that the installation and maintenance of the station complies with these technical conditions.

- 9b. Permission for on-air testing prior to the certification in 9c below and commencement of regular service shall be obtained from the Authority.
- 9c. When the installation of equipment is complete the Licensee shall provide evidence of certification, by a suitably qualified person, to the Authority, that the station is ready to commence operation in accordance with these technical conditions.

10. STATION ACCESS AND PERSONNEL

- 10a. Only authorised personnel shall have access to the Transmission Equipment for the purposes of adjustment/maintenance of that equipment.
- 10b. It is the responsibility of the licensee to ensure that all authorised personnel are adequately trained for the functions they are authorised to undertake.

11. CONNECTION TO THE PUBLIC TELECOMMUNICATIONS NETWORK

Where studio and transmitting equipment is connected together by circuits provided on the Public Telecommunications Network prior approval by Telemalta Corporation shall be obtained.

12. ENVIRONMENTAL CONDITIONS

Whilst due allowance must be made for likely ambient temperature and humidity variations for the particular location of the transmitter, compliance with the requirements must be achieved over the following minimum ranges:

Ambient Temperature: 5 deg. Cel. to 45 deg. Cel.
Relative Humidity: 0 % to 95 %

13. POWER SUPPLY

- 13a. Whilst due allowance must be made for the stability of the actual power supply, compliance with the requirements of this Specification must be achieved for supply voltage variations in the range +6 % to -10 % of the nominal value.
- 13b. Precautions shall be taken to prevent switching or commutation spikes from being radiated or superimposed upon the incoming supply.

14. DOCUMENTATION

Accurate operating instructions for the correct use of the transmitter must be kept with it at all times. Similarly, up-to-date circuit diagrams and parts lists must be available to enable proper maintenance. Any modifications to the transmitter must be carried out by qualified personnel, and the details reported to the Authority.

15. TRANSMITTER LOAD PROTECTION

The transmitter should be designed such that it will not suffer damage when operated continuously with the RF output connector either open or short-circuited.

**16. SITE IN THE NATIONAL PLAN FOR VHF/FM NATIONWIDE
SOUND BROADCASTING RADIO SERVICE**

Transmitters of the VHF/FM Nationwide Sound Broadcasting Radio Service shall be co-sited with the existing television service at Gharghur and shall use a master antenna system.

17. CHANGES TO CHARACTERISTICS OF FREQUENCY ASSIGNMENTS

17a. The characteristics of an assignment include frequency, station name, effective radiated power, polarisation and radiation pattern of antenna.

17b. In the final acts of the "Regional Administrative Conference for the Planning of VHF-FM Sound Broadcasting, Geneva 1984" there are procedures that have to be adhered to if a change in the characteristics of an assignment is envisaged.

17c. Some changes to the characteristics could be difficult and take a long time to process in accordance with the above mentioned procedures. The Authority should be advised as early as possible of any changes sought in the characteristics of the assignments so it can advise of any potential problems foreseen. All international co-ordination is the responsibility of the Authority.

D. SOUND BROADCASTING LICENCE FEES

1. APPLICATION FEES

- a. Applications for a nationwide sound broadcasting licence must be accompanied by a non refundable application fee of Lm2500.
- b. Applications for a community sound broadcasting licence (including for one-off events) must be accompanied by a non-refundable application fee of Lm50.

2. LICENCE FEES

- a. The annual licence fee payable to the Authority for a nationwide sound broadcasting licence will be Lm5000.
- b. The annual fee payable to the Authority for a community sound broadcasting licence will be Lm150.
- c. Licences payable to the Authority for community sound broadcasting services for one-off events shall be Lm50 per event.

3. PAYMENTS BY THE AUTHORITY

Twenty per cent of the above fees shall be automatically paid by the Authority to the Minister responsible for Wireless Telegraphy for technical assistance in relation to the applications and the normal servicing of the licence conditions.

Mghoddi mill- Kamra tad-Deputati fis-Seduta Nru. 518 tas-7 ta' Meju, 1991.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Agent Skrivani tal-Kamra tad-Deputati

BROADCASTING ACT, 1991

Arrangement of Sections

PART I*Preliminary*

Section

1. *Short title and commencement.*
2. *Interpretation.*

PART II*Functions and Composition of
the Broadcasting Authority*

3. *The Broadcasting Authority.*
4. *Status of the Authority.*
5. *The Chief Executive of the Authority.*
6. *Temporary absence of the Chief Executive.*
7. *Remuneration.*
8. *Proceedings of the meetings of the Authority.*
9. *Staff appointments.*

PART III*Broadcasting Licences*

10. *Issue of broadcasting licences.*
11. *Considerations to guide Authority in issuing broadcasting licences.*
12. *Right of the Authority to broadcast.*
13. *General provisions as to the provision of broadcasting services in Malta and regarding the Authority's duties in respect thereof.*
14. *Payment of broadcasting licence fees.*
15. *Directions by Authority.*
16. *Broadcasting licences and contracts not assignable.*

PART IV*Relations between the Minister responsible for Wireless Telegraphy
and the Authority*

17. *Interpretation.*
18. *Broadcasting frequencies.*

PART V*Codes*

19. *Code of advertising and sponsorship.*
20. *Code for programmes other than advertisements.*
21. *Code for teletext transmissions.*
22. *Prohibition of certain devices.*

PART VI*Programme Schedules*

23. *Submission for Authority's approval.*

PART VII
Financial Provisions

24. *Revenue of Authority.*
25. *Payments by Authority.*
26. *Investment of funds.*
27. *Estimates of the Authority.*
28. *Accounts and audit.*
29. *Cash deposits and payments.*
30. *Annual report.*

PART VIII
Contracts and Power to Acquire or Dispose of Property

31. *Contracts of supply or works.*
32. *Power to acquire or dispose of property.*

PART IX
Miscellaneous Provisions

33. *Advisory Committees.*
34. *Unjust or unfair treatment or infringement of privacy.*
35. *Power to make regulations.*
36. *Powers of the President.*
37. *International Obligations.*
38. *Offences and Penalties.*
39. *Exemptions.*
40. *Copyright Act and Press Act.*
41. *Amendments to Criminal Code.*
42. *Amendment to Fixed Electrical Power and Telegraphic Communications Systems Ordinance.*
43. *Amendment to the Press Act.*
44. *Repeal of Broadcasting Ordinance.*

First Schedule

Second Schedule

Third Schedule

Fourth Schedule

I assent

(L.S.)

ĊENSU TABONE
President

24th May, 1991

ACT No. XII of 1991

AN ACT to make provision for the regulation of all sound and television broadcasting services in Malta; as well as to provide for the powers, duties and financial resources of the Broadcasting Authority set up in accordance with the Constitution; to provide for the exercise and performance by the Authority of functions in addition to those established by the Constitution, which functions shall include that of issuing licences in respect of radio and television services in Malta; to make provision in respect of all such powers as may be necessary in order for the Authority to fulfil its functions in accordance with the Constitution and this Act; and to make provision in respect of matters ancillary thereto or connected therewith.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows: –

PART I
Preliminary

1. (1) This Act may be cited as the Broadcasting Act, 1991.

Short title and
commencement.

(2) This Act shall come into force on such date as the Prime Minister may by notice in the Government Gazette appoint, and different dates may be so appointed for different provisions and different purposes of this Act.

2. In this Act, unless the context otherwise requires –

Interpretation.

“the Authority” means the Broadcasting Authority established by section 118 of the Constitution;

“advertising” means any form of announcement broadcast with the intention to promote the sale, purchase, or rental of a product or service, to advance a cause or idea or to bring about some other effect desired by the advertiser, for which transmission time has been given to the advertiser for remuneration or similar consideration;

“broadcast” means the initial transmission by wire or over the air, including that by satellite, in unencoded or encoded form, of radio or television programmes intended for reception by the public but does not include retransmissions and communication services providing items of information or other messages on individual demand such as telecopying, electronic data banks and other similar services;

“community radio service” means a radio service designed to cater for the needs of a particular community or locality and having a limited range of reception;

“financial year” means the period of twelve months ending on the thirty-first day of December in any year;

“Minister” unless otherwise indicated means the Minister responsible for culture;

“Malta” has the same meaning as is assigned to it in section 124 of the Constitution;

“National Broadcasting Plan” means the National Broadcasting Plan contained in the Second Schedule to this Act;

“nationwide radio service” means a radio service designed to cater for the needs of the nation as a whole and having a range of reception which includes the whole of Malta;

“person” includes also a body corporate established by law and includes also a department of government;

“programmes broadcast by the Authority” includes programmes broadcast on behalf of the Authority in accordance with the provisions of this Act;

“retransmission” means receiving and simultaneously transmitting, irrespective of the technical means employed, complete and unchanged radio or television programme services, or important parts of such services, transmitted by broadcasters for reception by the general public;

“sponsorship” means the participation of a natural or legal person not engaged in television broadcasting activities or in the production of audiovisual works, in the direct or indirect financing of a programme or transmission thereof, with a view to promoting the name, trademark or image of that person;

“subliminal techniques” means the use of any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, members of an audience without their being aware, or fully aware, of what has been done.

PART II
Functions and Composition of
the Broadcasting Authority

The Broadcasting Authority

3. (1) Without prejudice to and in addition to the functions under section 119 of the Constitution, the Authority shall have the function to regulate sound and television broadcasting services in Malta and to issue licences for the provision of such services in accordance with this Act.

(2) The Authority shall also have the right to provide itself or through broadcasting contractors, in accordance with the provisions of this Act, sound and television broadcasting services in Malta.

(3) The Authority shall in addition to its other powers assume, from a date or dates stipulated by the Prime Minister in writing, such rights and duties arising from any agreement between the Government of Malta and cable or

other broadcasting operators as the Prime Minister may from time to time specify.

(4) The services referred to in subsection (2) of this section may be provided for and on behalf of the Authority by broadcasting contractors who, under contract with the Authority, have in consideration of payment to the Authority and subject to the provisions of this Act, the right and duty to provide such services for and on behalf of the Authority.

(5) The Authority may not grant any licence or enter into any contract in terms of subsection (4) of this section on an exclusive basis, and any provision granting such exclusivity whether contracted or granted before or after the coming into force of this Act shall be deemed to be null and void, without prejudice to all the other provisions of the contract or licence which in no way violate the provisions of the subsection.

(6) The Authority shall also have the right to appoint a separate contractor to provide a service to be transmitted either separately or through the medium provided by the other contractors who shall be bound to carry such service at such times and under such conditions as the Authority may stipulate and in return for such payment of fees or other considerations as the Authority may provide to be payable to it or to the contractor providing the service.

4. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions, commitments and obligations, as are incidental or conducive to the exercise or performance of its functions.

Status of the Authority

(2) It is hereby prescribed that the number of members of the Authority other than the Chairman shall be not less than four nor more than six.

(3) All appointments to the Authority shall be published in the Government Gazette.

(4) The legal representation of the Authority shall vest in the Chairman or in such other member or members of the Authority, as the Authority may by resolution published in the Government Gazette designate:

Provided that the Authority may delegate under its general direction, any of its powers, other than those referred to by subsection (1) of section 119 of the Constitution, to any of its members or any of its officers or servants and may authorise any such persons to appear on any contract, deed or other instrument for and on behalf of the Authority, and to sign for or on its behalf any such contract, deed or instrument, as well as any other document, including cheques and other bills of exchange, and the Authority may also ratify and accept any thing done for and on its behalf without such authorisation.

(5) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairman on behalf of the Authority shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued on behalf of the Authority.

5. (1) There shall be a Chief Executive of the Authority to be appointed following a public call for applications by the Authority from among persons who

The Chief Executive of the Authority.

have had experience of, and shown capacity in, dealing with matters related to broadcasting.

(2) A person shall not be qualified to hold, or act in, the office of Chief Executive if he is disqualified to hold office as a member of the Authority.

(3) Under its general direction, the Authority may delegate to the Chief Executive such of its powers and duties as it may deem necessary or expedient to enable him to carry out the business of the Authority.

(4) An appointment of a person to, or to act in, the post of Chief Executive shall be published in the Gazette.

(5) Nothing in this section shall affect the validity of any appointment to the office of Chief Executive validly made before the coming into force of this Act.

Temporary absence of the Chief Executive

6. (1) Where the Chief Executive is temporarily absent from Malta or otherwise is temporarily incapacitated from performing the functions of his office, the Authority may appoint a person to act as Chief Executive during such period of absence or incapacity.

(2) A person appointed under the preceding subsection may exercise all the powers conferred on the Chief Executive from the date of his appointment.

(3) The person appointed in accordance with subsection (1) of this section shall not be a person who is disqualified from holding the office of member of the Authority.

Remuneration

7. The Authority shall pay to each of its members in respect of their office as such, out of funds made available to the Authority under section 24, such remuneration as the President on the advice of the Prime Minister may from time to time determine.

Proceedings of the meetings of the Authority

8. (1) The meetings of the Authority shall be called by the Chairman, either on his own initiative or at the request of any two of the other members.

(2) The Authority may act notwithstanding any vacancy among its members.

(3) The quorum of the Authority shall consist of half its members.

(4) The Chairman shall have an original vote and, in the event of an equality of votes, a casting vote; in the absence of the chairman the other members of the board shall appoint one of their number to preside over the meeting, such member shall for such meeting have the same rights as the chairman.

(5) A member of the Authority who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at the first meeting of the Authority after the relevant facts have come to his knowledge.

(6) Any disclosure made under subsection (5) of this section shall be recorded in the minutes of the Authority, and the member –

- (a) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that contract; and
 - (b) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.
- (7) Subject to the provisions of the Constitution and of this Act, the Authority may regulate its own proceedings.
- (8) No member of the Authority shall regularly take part in broadcasting.
- (9) No member of the Authority shall be a shareholder in any broadcasting operator, licensee or contractor, nor may he be involved in the management of any broadcasting service.
- (10) The provisions of subsections (5) to (9) of this section shall apply to the Chief Executive as if reference therein to members included references to the Chief Executive.

9. Subject to the provisions of the Constitution and of any other enactment applicable thereto, the Authority may appoint a secretary and such other officers and employees as it may deem necessary. The terms and conditions of employment of such staff, and of the Chief Executive, shall be comparable with those of employees in the service of the Government and shall be established by the Authority with the concurrence of the Prime Minister. Staff appointments.

Provided that nothing in this section shall be construed as precluding the establishment, by the Authority with the approval of the Prime Minister given after consultation with the Minister responsible for finance, of schemes of incentives related to productivity or performance.

PART III Broadcasting Licences

10. (1) No person may provide sound or television broadcasting services in Malta for Malta or any part thereof without the licence in writing of the Authority, hereinafter referred to as the "broadcasting licence". Issue of broadcasting licences.
- (2) Subject to the provisions of this Act, a broadcasting licence granted under this section may be issued under such terms, conditions and limitations as the Authority may deem fit.
- (3) Licences may be of particular classes or descriptions and shall in particular include licences for:
- (a) nationwide radio services; and
 - (b) community radio services.
- (4) A licence for any broadcasting service may only be awarded to a partnership regularly constituted in Malta in accordance with the law relating to commercial partnerships for the time being in force in Malta, which, in the case of a licence for community radio services is wholly owned by citizens of Malta ordinarily resident in Malta, and in all other cases, has a majority of its voting shares controlled by such citizens:

Provided that licences for community radio services may also be awarded to individuals who are citizens of Malta and ordinarily resident in Malta.

(5) No organisation, person or company may own, control, or be editorially responsible for more than one broadcasting service licensed under this Act:

Provided that the Government may through a company designated by the Minister, by Notice in the Gazette as a company providing public broadcasting services, own, control, or be editorially responsible for more than one broadcasting service;

Provided further that the Government may not own any broadcasting services or participate in their ownership other than through such company, and that no other company in which the Government has a controlling interest may own voting shares in a company providing any broadcasting service.

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(6) Where the licensee is a partnership no person may act as a director of such partnership unless he is qualified in terms of the Press Act to be an editor of a newspaper.

(7) The licensee of a community radio service shall before the 15th January of each calendar year declare in writing to the Authority his intention to carry on providing broadcasting services on the frequency specified in his licence for another year.

(8) Licences for the services referred to in subsection (1) shall include the conditions listed in the First Schedule to this Act:

Provided that community radio services shall be subject to the minimum of regulation consistent with the public interest and that such services shall be subject to conditions which, taken together, are less onerous than those provided for nationwide radio services.

(9) Without prejudice to the generality of the foregoing, a licence may in particular be subject to limitations regarding the maximum time, the minimum time, or both the maximum and the minimum time, which is to be given each day to broadcasts by the licensee, and as to the hours of the day in which such broadcasts are or are not to be made, and it shall be the duty of the licensee to comply with such limitations or other conditions.

(10) On the breach of any terms, conditions or limitations attached to a broadcasting licence, the persons committing such breach shall be guilty of an offence against this Act.

(11) A broadcasting licence unless previously revoked by the Authority, shall continue in force for such period as may be specified in the licence, provided that such period shall not exceed eight years:

Provided that a licensee may not earlier than one year before the expiration of a licence apply for a further licence, which licence shall not be unreasonably refused.

Considerations to guide Authority in issue of broadcasting licences.

11 (1) When issuing broadcasting licences, the Authority shall be guided by the following considerations –

- (a) that the principles of freedom of expression and pluralism shall be the basic principles that regulate the provision of broadcasting services in Malta;
 - (b) that a diverse system of public and private stations with their own particular character, would be the best system for the realisation of the basic principles above referred to;
 - (c) that private stations shall be allowed to operate in such a way so as to ensure a distribution of programming that appeals to general as well as to specific and various interests, and in line with a national broadcasting plan for the allocation of various frequencies. The Second Schedule to this Act shall be such National Broadcasting Plan and shall be drawn up, and from time to time reviewed, by the Minister in conjunction with the Minister responsible for Wireless Telegraphy;
 - (d) that no situation of monopoly or similar situation of a small group of persons or in favour of any station or group of stations should be allowed; and
 - (e) that in granting licences to different persons on the different frequencies allocated to it in terms of section 18 of this Act, it shall also take into account the possibility of broadcasting by cable or through such other technological methods as may be possible.
- (2) The Authority shall specifically consider:
- (a) that criteria for the assessment of applications for licences shall include:
 - (i) economic potential and viability
 - (ii) quality of scheduled programming, and
 - (iii) technological and broadcasting plans and projects;
 - (b) that a licensee should be able to fulfil all his obligations under this Act and to secure compliance with all directives of the Authority as the Authority may deem necessary or expedient for the proper exercise of the functions described in section 119 of the Constitution.
- (3) An applicant whose application has been refused by the Authority and who feels that the Authority has not acted in conformity with the rules of natural justice, or that it has acted in a manner which is grossly unreasonable or with undue discrimination, or whose application has been pending for at least four months, may appeal against such decision or delay to the Court of Appeal in accordance with the procedures laid down in subsections (5), (6), (7), (9) and (10) of section 16 of this Act.
- (4) Applications in terms of this Act for licences to provide nationwide radio services received by the Authority before 1700 hours on the 10th June, 1991, shall be decided upon by the Authority on or before the 8th November, 1991.

Transitory Provision

Right of the Authority
to broadcast

12. The Authority shall, subject to the provisions of this Act, also have the power to do all such things as are in its opinion necessary for or conducive to the proper discharge of its right under subsection (2) of section 3 of this Act and, in particular, it shall for the purpose of discharging that right, have power, if it so chooses –

- (a) to establish, install and use stations for the provision of broadcasting services;
- (b) to arrange for the provision and equipment of, or, if need be, itself provide and equip studios and other premises for television and sound broadcasting purposes;
- (c) collect and diffuse news and information in Malta and from any part of the world; and
- (d) to advance the skills of persons in broadcasting by providing or assisting others to provide facilities for training, education and research.

General provisions as to the provision
of broadcasting services in Malta
and regarding the Authority's duties
in respect thereof.

13. (1) It shall be the duty of the Authority to discharge its functions under this Act as respects the licensing of the services referred to in subsection (1) of section 3 in the manner which it considers is best calculated to ensure that a wide range of such services is available throughout Malta.

(2) It shall be the duty of the Authority to satisfy itself that, so far as possible, the programmes broadcast by persons providing sound or television broadcasting services in Malta comply with the following requirements, that is to say –

- (a) that nothing is included in the programmes which offends against religious sentiment, good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling;
- (b) that all news given in the programmes (in whatever form) is presented with due accuracy;
- (c) that sufficient time is given to news and current affairs and that all news given in the programmes (in whatever form) is presented with due impartiality;
- (d) that proper proportions of the recorded and other matter included in the programmes are of Maltese origin and of Maltese performance, and that a reasonable part of such programmes is in the Maltese language;
- (e) that the programmes broadcast contain a substantial proportion of matter closely designed to appeal to the interest, tastes and outlook of the general public; and
- (f) that due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy:

Provided that, except in the case of public broadcasting services, in applying paragraphs (c) to (f) of this subsection, the Authority shall be able to consider the general output of programmes provided by the various broadcasting licensees and contractors, together as a whole.

(3) The Authority shall ensure that, for the continued operation of the licence of a community radio service, the views and expressions of the licensee or of particular persons or bodies, on religious matters or on matters which are of political or industrial controversy or relate to current public policy do not predominate.

(4) It shall also be the duty of the Authority to organise from time to time schemes of political broadcasts (including political spots) which fairly apportion facilities and time between the different political parties represented in Parliament; to produce properly balanced discussions or debates that afford access to persons from different interest-groups and with different points of view, and also to produce commentaries or other programmes about questions relating to current public policy, wherein persons taking part can put forward differing views and comments.

(5) In order to fulfil its duty under subsection (4) of this section, the Authority shall in addition to all its other powers, have the right to order any person or all persons providing broadcasting services in Malta for reception in Malta to provide, free of charge, such recording and other facilities as may be necessary for the production of the said programmes for radio and television, as well as to transmit, free of charge, on such days and at such times as the Authority shall direct, the same programmes:

Provided that the powers of the Authority under this subsection may only be exercised in so far as that exercise is reasonably justifiable in a democratic society.

14. (1) On the issue and renewal of a broadcasting licence, and, where the regulations under this Act so provide, at such times thereafter as may be prescribed by the regulations, there shall be paid by the persons applying for such issue or renewal such sums as may be prescribed by regulations, and different provision may be made in such regulations in relation to different licences, according to the nature, terms, conditions, limitations and duration thereof:

Payment of broadcasting licence fees.

Provided that the regulations made may contain provisions authorising, in such cases as are not otherwise dealt with by the regulations, the charge of such sums, whether on the issue or renewal of the licence or subsequently, as in the particular case appear to the Authority to be proper and justified.

(2) The contracts between the Authority and broadcasting contractors as may be appointed under section 3 of this Act shall provide for payments by the broadcasting contractors to the Authority, as the Authority may regard as necessary in order to discharge its duties under this Act in relation to the broadcasting contractors in question.

15. It shall be lawful for the Authority to give to any person providing, or responsible for the provision of, any sound or television broadcasting service in Malta, such directions in writing as the Authority may deem necessary or expedient for the proper exercise of the functions described in section 119 of the Constitution and for the proper discharge of any other duty or function referred to in this Act, including directions not to broadcast, or to broadcast, or to cause the broadcasting of, or containing conditions as to the broadcasting of, any matter referred to in the aforesaid provisions of the Constitution and of this Act, and including directions requiring the provision in advance of scripts and particulars of programmes, the provision of recordings of programmes and the provision of

Directions by Authority.

such other information as the Authority may reasonably require for the purposes aforesaid.

16. (1) No broadcasting licence or broadcasting contract shall be assigned, and the control of, or the shares in the ownership of a partnership to which a broadcasting licence or contract is granted may not be transferred either in whole or in part, without the previous consent in writing of the Authority, which consent may not be unreasonably withheld.

(2) The Authority may require from time to time from broadcasting licensees or contractors such declarations, returns, accounts, documents and other information as the Authority may consider necessary or advisable for the purpose of ensuring that the requirements of this Act are complied with.

(3) Every licence issued by the Authority as well as every contract between the Authority and a broadcasting contractor shall contain all such provisions (including provisions for the purposes set out in the First Schedule of this Act) as the Authority thinks necessary or expedient for complying and securing compliance with the provisions of this Act.

(4) Without prejudice to the provisions of subsection (3) of this section, every licence issued by the Authority as well as every contract between the Authority and a broadcasting contractor shall contain a provision reserving to the Authority the right, in view of any breaches by the broadcasting licensee or contractor of his obligations with the Authority, to serve on the broadcasting licensee or contractor, a notice in writing, taking effect forthwith or on a date stated in the notice to determine the licence or contract, or to suspend the operation of the licence or of the contract, as the case may be, for such period as may be specified in the notice or until a further notice is given.

(5) Any broadcasting licensee who feels aggrieved by a decision of the Authority to suspend or determine his licence in terms of subsection (4) of this section, may appeal against such decision, to the Court of Appeal by an application filed within fifteen days from the date of service upon him of the decision of the Authority.

(6) Where an application is filed within the time limited by subsection (5), a copy thereof is also to be served on the Authority which shall within fifteen days of such service file a reply in justification of its decision.

(7) The Court of Appeal shall on the lapse of the time stated in the immediately preceding subsection fix a date for the hearing of the appeal, which shall be disposed of with urgency.

(8) The Court of Appeal may on the application of the appellant order the suspension of the decision of the Authority pending the appeal.

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(9) The Board established under section 29 of the Code of Organisation and Civil Procedure may make rules concerning appeals to the Court of Appeal under this section, and prescribing the fees to be paid on such appeals.

(10) Where no valid appeal has been lodged within the time limited by subsection (5) of this section, or where the appeal has been withdrawn or discontinued, or where the matter has been determined by the Court of Appeal, the decision as regards suspension or determining of the broadcasting licence in question shall be final and conclusive for all purposes of this Act.

PART IV
Relations between the Minister responsible
for Wireless Telegraphy and the Authority

17. In this Part:—

Interpretation

“Minister” has the same meaning assigned to it in section 2 of the Wireless Telegraphy Ordinance; and

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“broadcasting frequencies” means particular frequencies for the transmission of radio, television and other signals, emitted from particular sources at particular strengths and in particular directions.

18. (1) The Minister may, by notice assign to the Authority, for the purpose of the provision of services to be provided, licensed or contracted by it under this Act, such broadcasting frequencies as he may determine; and any frequency so assigned shall be taken to be so assigned for the purpose only of being used for the provision of those services.

Broadcasting
frequencies

(2) Any frequency assigned by the Minister under subsection (1) may be so assigned for use only in such area or areas as may be specified by the Minister when making the assignment.

(3) In the grant of radio and television broadcasting licences the Authority shall except where such broadcasts are to be transmitted exclusively by wire, indicate the broadcasting frequency to be used by the licensee, and it shall be the duty of the licensee, to limit his broadcasts to such broadcasting frequency. The Authority shall, in conjunction with the Minister, impose such conditions as it deems fit with regard to the apparatus to be used by the licensee and the manner in which such equipment is to be used by the licensee and the licensee shall abide by such conditions.

(4) The Authority shall ensure that the licensee limits his transmissions to the broadcasting frequency indicated in the licence and that he observes such conditions as may be imposed upon him in virtue of subsection (3) of this section.

(5) The Minister shall give the Authority such technical assistance as it may reasonably require in fulfilment of its duties under this Act, against such payment as may from time to time be agreed to between the Minister and the Authority.

PART V
Codes

19. (1) Advertisements shall only be allowed to be inserted in the programmes broadcast by licensees and contractors of the Authority as long as the provisions of this Act are complied with in relation thereto. Other persons providing broadcasting services in Malta shall be allowed to include advertisements and sponsorships only if the Minister, after consultation with the Minister for Wireless Telegraphy, has given directions to the Authority to that effect by notice in writing, stipulating in such notice which subsections if any, or parts thereof, of this section shall have effect for such other persons.

Code for advertising
and sponsorship.

(2) (a) It shall be the duty of the Authority subject to subsection (1) of this section, to secure that the provisions of the Advertising and Sponsorship Code in the Third Schedule to this Act are complied with.

(b) The Authority may, in conjunction with the Minister, from time to time amend, or substitute the Third Schedule of this Act.

(3) The Authority may, in the discharge of its general responsibility for advertisements and methods of advertising, impose requirements as to advertisements and methods of advertising which go beyond the requirements imposed by the code under this section.

(4) The methods of control exercisable by the Authority for the purpose of securing that the provisions of the code under this section are complied with, and for the purpose of securing compliance with requirements imposed under subsection (3) which go beyond the requirements of the code, shall include a power to give directions to any person providing broadcasting services in Malta with respect to the classes and descriptions of advertisements and methods of advertising to be excluded, or to be excluded in particular circumstances, or with respect to the exclusion of a particular advertisement, or its exclusion in particular circumstances.

(5) The Authority may give directions to any person providing broadcasting services in Malta with respect to the time when advertisements are to be allowed.

(6) Subject to subsections (7), (8) and (9) of this section, nothing shall be included in any programmes broadcast by the Authority or by any other person providing broadcasting services in Malta, whether in an advertisement or not, which states, suggests or implies (or could reasonably be taken to state, suggest or imply) that any part of any programme broadcast by the Authority or any other person providing broadcasting services in Malta, as the case may be, which is not an advertisement has been supplied or suggested by any advertiser; and, except as an advertisement, nothing shall be included in any programme broadcast by the Authority or by any other person providing broadcasting services in Malta, which could reasonably be supposed to have been included in the programme in return for payment or other valuable consideration to the relevant person providing broadcasting services in Malta.

(7) Nothing in subsection (6) shall be construed as prohibiting sponsorship, in whole or in part, of any particular programme or of a series of programmes, provided that it shall clearly be identified as such by appropriate credits at the beginning and /or end of the programme:

Provided further that the content and scheduling of sponsored programmes may in no circumstances be influenced by the sponsor in such a way as to affect the responsibility and editorial independence of the broadcaster in respect of programmes:

Provided further that programmes may not be sponsored by natural or legal persons whose principal activity is the manufacture or sale of products, or the provision of services, the advertising of which is otherwise prohibited:

Provided further that sponsorship of news and current affairs programmes shall not be allowed.

(8) Nothing in subsection (6) shall be construed as prohibiting the inclusion of any of the following matters in any part of a programme broadcast by the Authority or by any person providing broadcasting services in Malta, which is not an advertisement, namely

- (a) items designed to give publicity to the needs or objects of any association or organisation conducted for charitable or benevolent purposes;
- (b) reviews of literary, artistic or other publications or productions, including current entertainments;
- (c) items consisting of factual portrayals of doings, happenings, places or things, being items which in the opinion of the Authority are proper for inclusion by reason of their intrinsic interest or instructiveness and do not constitute an undue element of advertisement;
- (d) announcements of the place of any performance included in the programme, or of the name and description of the persons concerned as performers or otherwise in any such performance, announcements of the number and description of any record so included, and acknowledgments of any permission granted in respect of any such performance, persons or record; and
- (e) such other matters, if any, as may be prescribed by regulations made by the Authority in conjunction with the Minister.

(9) Nothing in subsection (6) shall be construed as prohibiting the inclusion of an advertisement in any programme broadcast by the Authority or by any person providing broadcasting services in Malta, by reason only of the fact that it is related in subject-matter to any part of that programme which is not an advertisement.

(10) In so far as subsection (6) prohibits the inclusion in programmes (other than advertisements) broadcast by the Authority or by any person providing broadcasting services in Malta, of anything which could reasonably be supposed to have been included therein in return for payment or other valuable consideration to the Authority or the relevant person providing broadcasting services in Malta, that subsection shall not apply to any programme so broadcast as part of an educational broadcasting service approved by the Authority.

(11) Directions under this section may be, to any degree, either general or specific and qualified or unqualified and directions under subsection (4) may, in particular, relate to -

- (a) the greatest amount of time to be given to advertisements in any hour or other period,
- (b) the minimum interval which must elapse between any two periods given over to advertisements and the number of such periods to be allowed in any programme or item in a programme or in any hour or day,
- (c) the exclusion of advertisements from a specified broadcast, and may make different provision for different parts of the day, different days of the week, different types of programmes or for other differing circumstances:

Provided that no such direction shall be given which is shown not to be reasonably justifiable in a democratic society. In giving such directions the Authority shall also be guided by such international instruments relating thereto, and to which Malta is a party.

(12) Orders for the insertion of advertisements may be received through advertising or other agents or direct from the advertiser, but the Authority, broadcasting operators, licensees and contractors shall not act as advertising agents.

Code for programmes
other than advertisements

20. (1) The Authority shall, in conjunction with the Minister draw up, and from time to time review, a code giving guidance -

- (a) as to the rules to be observed in regard to the showing of violence, and in regard to the inclusion in sound broadcasts of sounds suggestive of violence, particularly when children and young persons may be expected to be watching or listening to the programmes; and
- (b) as to such other matters concerning standards and practice for programmes broadcast by the Authority or by any person providing broadcasting services in Malta, as the Authority may consider suitable for inclusion in the code;

and, in considering what other matters ought to be included in the code, the Authority shall have special regard to programmes broadcast when children and young persons may be expected to be watching or listening.

(2) The Authority shall secure that the provisions of the code under this section are observed in relation to all programmes broadcast by any person providing broadcasting services in Malta.

(3) The Authority may, in the discharge of its general responsibility for programmes, impose requirements as to standards and practice for such programmes which go beyond, or relate to matters not covered by, the provisions of the code under this section.

(4) The methods of control exercisable by the Authority for the purpose of securing that the provisions of the code under this section are observed, and for the purpose of securing compliance with requirements imposed under subsection (3) which go beyond, or relate to matters not covered by, the code, shall include a power to give directions to any person providing broadcasting services in Malta imposing prohibitions or restrictions in respect of items of a specified class or description or in respect a particular item.

(5) The provisions of this section shall not apply to advertisements covered by the Advertising and Sponsorship Code referred to in section 19 of this Act.

Code for teletext
transmissions

21. (1) If and when the Authority considers it necessary or expedient, it -

- (a) may, in conjunction with the Minister, draw up, and from time to time review, a code giving guidance as to such matters concerning standards and practice for teletext transmissions (including advertisements) broadcast by the Authority or by any other person

providing broadcasting services in Malta, as the Authority may consider suitable for inclusion in the code; and

- (b) shall secure that the provisions of the code are observed in relation to all teletext transmissions broadcast by the Authority or by any other person providing broadcasting services in Malta.

(2) The Authority may, in the discharge of its general responsibility to monitor and supervise all broadcasting services provided in Malta, impose requirements as to standards and practice for teletext transmissions broadcast by it or by any other person providing broadcasting services in Malta, which go beyond, or relate to matters not covered by, the provisions of the code.

(3) The methods of control exercisable by the Authority –

- (a) for the purpose of securing that the provisions of the code are observed; and
- (b) for the purpose of securing compliance with requirements imposed under subsection (2) which go beyond, or relate to matters not covered by, the code,

shall include a power to give directions to any person providing teletext services imposing prohibitions or restrictions as respects items of a specified class or description or as respects a particular item.

22. (1) It shall be the duty of the Authority to satisfy itself that the programmes broadcast by the Authority or by any person providing broadcasting services in Malta do not include, whether in an advertisement or otherwise, any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, members of an audience without their being aware, or fully aware, of what has been done.

Prohibition of certain devices.

(2) It is prohibited to broadcast coded messages.

PART VI Programme Schedules

23. (1) Without prejudice to the generality of the provisions of section 15 of this Act, and in addition to all the powers vested in the Authority in virtue of that section, in the case of programmes other than advertisements, in the discharge of its duties under section 20 of this Act, in relation to both television and sound broadcasts, the Authority shall examine the programme schedules to be submitted by all persons providing broadcasting services in Malta, and for such purpose all persons providing such services in Malta shall submit such programme schedules to the Authority at such intervals and at such times, as the Authority may direct:

Submission for Authority's approval

Provided that, other than with regard to subsection (1) of this section, all classes of radio services, other than those provided as part of public broadcasting services, shall be exempt from the requirements of all the other subsections of this section:

Provided further that the Authority may exempt all or any classes of broadcasting services, other than public broadcasting services, from requirements of this section.

(2) Subject to subsections (1) and (6) of this section, no person providing broadcasting services in Malta may transmit any programme unless it forms part of a programme schedule approved in writing, in advance, by the Authority, in accordance with this section.

(3) A programme schedule -

- (a) shall be drawn up in consultation with the Authority, and
- (b) shall be for a period to be determined by the Authority;

and the Authority may give to any person providing broadcasting services in Malta such directions as appear to the Authority expedient for the purpose of ensuring that the Authority will have sufficient time to discharge its responsibilities in the consideration of programme schedules.

(4) The Authority may give directions, which may be, to any degree, either general or specific and qualified or unqualified -

- (a) as to the exclusion of any item from a programme schedule;
- (b) as to the inclusion in, or in a particular part of, a programme schedule of an item, or items, of a particular category; or
- (c) as to the inclusion in a particular part of a programme schedule of a particular item;

and the Authority shall not approve a programme schedule until it is satisfied that it conforms with any directions given under this section.

(5) Without prejudice to the Authority's power to approve for the purposes of this section a revised or amended version of a programme schedule previously approved by it, the Authority may, if it thinks fit so to do in view of any change of circumstances occurring after a programme schedule has been approved by it, permit any person providing broadcasting services in Malta to make such alterations in that programme schedule as the Authority may approve, being alterations proposed to it in any convenient manner; and a programme schedule in which alterations have been made by virtue of this subsection shall, as so altered, be treated as having been approved by the Authority in accordance with this section.

(6) The Authority may give directions, which may be, to any degree, either general or specific and conditional or unconditional, authorising the making of alterations in any approved programme schedule without prior reference to the Authority -

- (a) where it is difficult or impracticable for the person providing broadcasting services in Malta to communicate with the Authority in the time available, or
- (b) in the event of a technical breakdown;

and the programmes contained in a programme schedule in which alterations are made by virtue of this subsection may be broadcast by the relevant person providing broadcasting services in Malta notwithstanding those alterations.

(7) The Authority's approval under this section may be given subject to such exception, reservations and qualifications as the Authority thinks fit; and the Authority may at any time call for further particulars of a programme schedule submitted to it, or of any item in the programme schedule.

PART VII Financial Provisions

24. (1) (a) The revenue of the Authority shall consist of - Revenue of Authority

(i) such sums as Parliament shall each year determine to be payable to the Authority;

(ii) thirty per centum, or a percentage being not less than fifteen per centum and not more than fifty per centum which may by regulation be stipulated by the Prime Minister in consultation with the Minister responsible for finance, of the revenue accruing to the Government from wireless and television licences after deducting a per centum in respect of expenditure reasonably incurred for the collection thereof;

(iii) the revenue accruing to the Authority from broadcasting licences, as provided in subsection (1) of section 14 of this Act; and

(iv) such sums as may from time to time be payable to the Authority by a broadcasting contractor or cable or other broadcasting operator as provided in subsection (2) of section 14 and subsection (3) of section 3 of this Act;

(b) The sum to be paid to the Authority in terms of paragraphs (i) and (ii) of paragraph (a) of this subsection shall not be less than two hundred and fifty thousand *liri* per year, and any sum payable to the Authority in virtue of the said paragraphs shall be a charge upon the Consolidated Fund.

(2) Subsection (1) shall be without prejudice to the provisions of subsection (8) of section 118 of the Constitution.

25. (1) The revenue of the Authority may be applied for the payment of - Payments by Authority

(a) remuneration, allowances, salaries, wages, special contributions, gratuities, pensions, and working expenses; and

(b) all other expenses which the Authority may properly incur in connexion with the performance of its functions under this Act.

(2) No expenditure shall be made or incurred by the Authority that is not covered by its revenue, except as may be necessary for the fulfilment of its functions under subsection (1) of section 119 of the Constitution.

(3) Any excess of the revenue of the Authority for any financial year over the total sums properly chargeable by the Authority to the revenue account for that year shall be applied by the Authority, due regard being had to the desirability of applying such moneys for the further improvement and extension of broadcasting services in Malta, in such manner as the Prime Minister, after consultation with the Minister responsible for finance, and with the Authority, may direct.

(4) Any direction given under the last preceding subsection may require the whole or any part of any such excess as aforesaid to be paid into the Consolidated Fund.

Investment
of funds

26. Any funds of the Authority not immediately required to be expended in the meeting of any obligations or the carrying out of any functions of the Authority may be invested from time to time in a reserve fund which is to be established by the Authority.

Estimates of
the Authority

27. (1) The Authority shall in every financial year cause to be prepared, and shall not later than eight weeks before the end of each such year adopt, estimates of the income and expenditure of the Authority for the next following financial year.

(2) The estimates shall be made out in such form and shall contain such information and such comparisons with previous years as the Prime Minister, after consultation with the Minister responsible for finance, may require.

(3) A copy of the estimates of the Authority shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Prime Minister.

(4) The Prime Minister shall, at the earliest opportunity, and not later than the first sitting of the House of Representatives after six weeks from the receipt of the copy of the estimates of the Authority, cause such estimates to be laid before the House of Representatives.

(5) The Authority's estimates shall, as soon as practicable, be published in the Government Gazette.

(6) All duties imposed by subsections (1) to (5) of this section shall be without prejudice to the provisions of subsection (8) of section 118 of the Constitution.

Accounts and Audit

28. (1) The Authority shall cause to be kept proper accounts and other records in respect to its functions and shall prepare in respect of each financial year a statement of accounts in such form as the Prime Minister may direct, being a form which shall conform with the best accounting standards.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by it and approved by the Prime Minister:

Provided that the Prime Minister may require the books and accounts of the Authority to be audited or examined by the Director of Audit who shall for this purpose have power to carry out such physical checking and other verifications as he may deem necessary.

(3) Before the end of each financial year, the Prime Minister shall cause to be laid on the Table of the House of Representatives, together with the estimates

referred to in section 27 of this Act, a copy of the statement of account and any financial report in respect of the immediately preceding full year.

29. (1) All moneys of the Authority accruing from any operations under this Act shall be paid into a bank or banks appointed by resolution of the Authority and approved by the Prime Minister. Such moneys shall, as far as practicable, be paid into the bank from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate payments.

Cash deposits
and payments

(2) All payments out of the funds of the Authority, shall be made by such officer or officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against or withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be designated by the Authority for that purpose and shall be countersigned by the Chairman or such other member of the Authority or other officer of the Authority as may be authorised by the Authority for that purpose.

30. (1) The Authority shall, not later than the end of March of each year make and transmit to the Prime Minister a report dealing generally with the activities of the Authority during the previous financial year and of its plans for subsequent years. The Prime Minister shall as soon as possible lay a copy of that report on the Table of the House.

Annual Report

(2) The report referred to in subsection (1) of this section shall include the results of independent audience research which ascertains:

- (a) the state of listenership or viewership of broadcasting services provided in Malta;
- (b) the state of public opinion concerning programmes included in broadcasting services provided in Malta;
- (c) any effects of such programmes on the attitudes or behaviour of those who watch them; and
- (d) the types of programmes that members of the public would like to be included in broadcasting services provided in Malta.

(3) The report referred to in subsection (1) of this section shall, in the same or in a different format as the Authority may deem necessary, be published and made available to the general public, at a reasonable charge, by the end of June of each year.

PART VIII

Contracts and Power to Acquire or Dispose of Property.

31. Except with the approval of the Prime Minister granted for special reasons, the Authority shall not enter into any contract for the supply of goods or materials or for the execution of works which is estimated by the Authority to exceed in value three thousand liri, or such other sum as the Prime Minister in consultation

Contracts of supply
or works

with the Minister responsible for finance may fix by Notice in the Gazette, unless after notice of the intention of the Authority to enter into the contract has been published and competitive tenders have been issued.

Power to acquire or dispose of property

32. (1) Subject to the provisions of the last preceding section, the Authority may, for the purpose of the due and efficient discharge of its functions under this Act –

- (a) purchase or otherwise acquire and hold any movable property and dispose of any such property; and
- (b) purchase or otherwise acquire and hold any lands or other immovable property or interest therein and take any such property on lease or on any title whatsoever.

(2) The Authority may, with the written approval of the Prime Minister, alienate any lands or other immovable property or any interest therein, in whichever way acquired by the Authority, and may also, with the consent of the Prime Minister, grant a lease of such lands or property for any period.

PART IX Miscellaneous Provisions

Advisory committees

33. The Authority may appoint, or designate any organ, as advisory committees to give advice to the Authority and to any person providing broadcasting services in Malta, on educational and religious matters, on standards of conduct in the advertising of goods or services, and on such other matters as the Authority may determine.

Unjust and unfair treatment or infringement of privacy.

34. (1) Without prejudice to all its other powers and functions in accordance with the Constitution, and this Act, the Authority shall have the power and duty to consider complaints of –

- (a) unjust or unfair treatment in sound or television programmes broadcast by any person providing broadcasting services in Malta.
- (b) unwarranted infringement of privacy in, or in connection with the obtaining of material included in, sound or television programmes so broadcast.

(2) For the purposes of this section, complaints are to be submitted in writing by the person affected or by a person authorised by him to make the complaint for him.

(3) For the purposes of this section –

“the person affected” –

- (a) in relation to any unjust or unfair treatment as is mentioned in subsection (1), means a participant in the programme in question who was the subject of that treatment or a person who, whether such a participant or not, had a direct interest in the subject-matter of that treatment;

- (b) in relation to any such unwarranted infringement of privacy as is so mentioned, means a person whose privacy was infringed;

and

"unjust or unfair treatment" includes treatment which is unjust or unfair because of the way in which material included in a programme had been selected or arranged.

35. (1) The Authority may, in conjunction with the Minister and the Minister responsible for Wireless Telegraphy make regulations, not inconsistent with the provisions of this Act, to prescribe-

Power to make regulations

- (a) the method of application, including the forms, to be used in an application for a broadcasting licence;
- (b) the information of a technical nature or otherwise to be supplied with each application;
- (c) the conditions under which a broadcasting licence may be issued, as well as the conditions under which it can be amended, altered, suspended or revoked;
- (d) the conditions under which any installation, apparatus or other property of a broadcasting licensee, shall be installed, worked, operated, maintained, protected, controlled or in any way safeguarded and the prohibition of the use of any dangerous installation, apparatus or fittings;
- (e) any tariff of prices, fees and charges which may be or are required to be prescribed by or under the provisions made thereunder and the time, place and manner for the payment of such prices, fees or charges and the mode of collecting and disposal thereof;
- (f) the period for which a broadcasting licence shall remain operative;
- (g) the conditions under which any persons holding a broadcasting licence under this Act shall operate broadcasting services;
- (h) the qualifications to be possessed by persons before they may be entrusted with the construction, repair, alteration or control of any apparatus or installation to be availed of by any broadcasting contractor or licensee, and the nature of the tests to be employed for ascertaining whether persons possess such qualifications;
- (i) without prejudice to the generality of paragraph (c) of this section, such technical conditions under which a broadcasting licence may be issued, and the mode of verification of such conditions, including in particular the characteristics of the emitted signals and the broadcasting equipment used, the place of transmission, the upper limit of effective radiated power and protection against potential interference with other telecommunication activities;
- (j) the measures to be taken and the fittings to be supplied and used in connexion with installations in order to secure public safety and private safety;
- (k) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any danger, damage or nuisance likely to arise or

arising from the working of any installations or apparatus used by a broadcasting contractor or licensee;

- (l) any other matter which may be or is required to be prescribed by this Act; and
- (m) any other matter which may appear to the Authority necessary or expedient for the better carrying out of the provisions of this Act or for securing the safety of the public, or for giving effect to, and securing compliance with, any or all of the directives or codes which may be issued by the Authority by virtue of this Act, or in general for ensuring adequate broadcasting services or the proper monitoring and supervision of such services in Malta.

(2) The Fourth Schedule to this Act shall until such time as regulations are made in terms of subsection (1) of this section regulate the matters for which regulations may be made in terms of the said subsection.

Powers of the President

36. (1) The Prime Minister may, if it appears to him to be necessary or expedient to do so, advise the President to require the Authority, by notice in writing, to broadcast and/or to cause the broadcast by any person providing broadcasting services in Malta, free of charge, and at such times as may be specified in the notice, any announcement or other material so specified, with or without visual images of any picture, scene or object mentioned in such announcement or other material, and it shall be the duty of the Authority and of any person providing broadcasting services to comply with any such notice.

(2) Where the Authority, or any person providing broadcasting services in Malta, publishes any announcement or other material in pursuance of a notice under subsection (1) of this section, it may announce that it is so doing in pursuance of such a direction.

(3) The Prime Minister may, if it appears to him to be necessary or expedient to do so, advise the President to require the Authority, by notice in writing, to refrain from broadcasting any matter or classes of matter specified in the notice, and it shall be the duty of the Authority and of any person providing broadcasting services to comply with any such notice.

(4) The Prime Minister may, if it appears to him to be necessary or expedient to do so, advise the President to give directions to the Authority, by notice in writing, as to the maximum time, the minimum time, or both the maximum and minimum time, which is to be given each day to broadcasts from any sound or television broadcasting station, and as to the hours of the day in which such broadcasts are or are not to be given, and it shall be the duty of the Authority and of any person providing broadcasting services to comply with any such notice.

(5) The duties imposed on the Authority by this section shall be without prejudice to the provisions of subsection (8) of section 118 of the Constitution.

(6) The powers of the President in terms of this section may only be exercised in so far as they are reasonably justifiable in a democratic society.

International obligations

37. The Prime Minister may, by notice in writing, give directions to the Authority to conform, through regulations and directions made or issued in terms of this Act, with any international obligation of Malta.

38. (1) Any person who acts in contravention of any of the provisions of this Act or of any regulation or direction made or given thereunder or fails to abide with any conditions imposed in any licence granted by this Act or to act in conformity with any such licence or any provision of this Act, or regulation or direction made or given thereunder shall be guilty of an offence against this Act and shall on conviction be liable to imprisonment not exceeding six months and to a fine (multa) not exceeding five thousand liri or to both such fine and imprisonment: Offences and penalties.

Provided that in the case of a second conviction the penalty shall be not less than a fine (multa) of one thousand liri and in the case of a third and subsequent conviction the penalty shall be not less than a fine (multa) of five thousand liri:

Provided further that in the case of a continuing offence there shall be awarded in addition an additional fine (multa) of not more than one hundred liri for each day during which the offence has continued.

(2) It shall be the duty of every person who owns or otherwise has in his possession any equipment or other movable thing whatsoever that may be used for the purposes of broadcasting to ensure at all times that such equipment is not used in the making of any broadcast in contravention of the provisions of this Act, and without prejudice to the provisions of any other law relating to forfeiture, any equipment or other movable things whatsoever, whether of the same kind or not, kept or used for or in connexion with the provision of broadcasting services in contravention of any of the provisions of this Act or the making of any broadcast in contravention of any of the provisions of this Act, shall be forfeited in favour of the Government, and such forfeiture shall be ordered by the Court in any case and whether or not such equipment, or thing are the property of, or are kept or used by, the person convicted or are the property of or are kept or used by any other person whatsoever.

(3) For the purposes of subsection (1) of this section a broadcasting contract as is referred to in subsection (4) of section 3 of this Act shall be deemed to be a licence granted under this Act.

(4) Where an offence against this Act is committed by a body corporate, any person who at the time of the commission of the offence was a director, manager, secretary, or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

39. (1) No stamp duty shall be payable by the Authority in respect of any instrument, writing or print in respect of which, but for the provisions of this section, duty would be payable by the Authority under the Duty on Documents Act. Exemptions
Cap 294

(2) The income of the Authority shall be exempted from payment of tax under the Income Tax Act. Cap 123

(3) The Authority and any of its broadcasting contractors or licensees

Cap 49
Cap 250

shall be exempted from obtaining a licence to broadcast under the Wireless Telegraphy Ordinance or a licence to transmit under the Telemalta Corporation Act.

(4) Saving all the other relevant provisions of this Act, subsections (1) and (4) of section 10 of this Act shall not affect –

- (a) the provision of any sound or television broadcasting service by the Government or by any person, body or authority under licence from or under arrangements with the Government; or
- (b) the operation of a licence to provide a broadcasting service granted prior to the commencement of this Act.

Copyright Act
and Press Acts
Cap 196
Cap 248

40. (1) Notwithstanding anything contained in the Copyright Act and in the Press Act, retransmission over a cable system shall not constitute a broadcast, rebroadcast or communication to the public.

(2) For the purpose of this section “retransmission” means the simultaneous transmission, irrespective of the technical means used, of complete and unchanged radio or television programme services or parts thereof transmitted terrestrially by any broadcasting station not under the cable operator’s control, whether situate in Malta or abroad and intended for the general public.

(3) A retransmission in terms of subsection (2) shall under no circumstances constitute a violation of any of the rights conferred on or granted to the owners of copyright by or under the Copyright Act:

Provided that this subsection shall not apply to the retransmission of a broadcast transmitted by satellite and retransmitted without the consent of the original broadcaster.

(4) Words and phrases used in this section and defined in the Copyright Act or in the Press Act shall have the meaning assigned to them in the respective Act.

Amendments to
Criminal Code
Cap 9

41. The Criminal Code shall be amended as follows–

(1) immediately after section 298 thereof there shall be added the following sections:

“Fraudulent access to telecommunications systems 298A. Whoever shall construct, alter, make, be in possession of, sell or purchase any device whereby such person may unlawfully connect with any telecommunication system shall on conviction be liable

(a) where the offence is committed for gain or by way of trade to imprisonment for a term not exceeding one year or to a fine (multa) of not more than two thousand liri or to both such fine and imprisonment; and

(b) in all other cases to a fine (multa) of not more than one thousand liri.

Violation of copyright 298B.(1) Whosoever, for gain, or by way of trade prints, manufactures, duplicates or otherwise reproduces or copies, or sells, distributes or otherwise offers for sale or distribution, any article or other thing in violation of the rights of copyright enjoyed by any other person and protected by Maltese law shall on conviction be liable to imprisonment for a term not exceeding six months or to a fine (multa) not exceeding one thousand liri or both such fine and imprisonment.

(2) Proceedings under this section may not be taken except on the complaint of the injured party.

(3) This section shall come into force on the 1st January, 1995.”;

(2) in section 299 thereof for the words “of the last preceding section” there shall be substituted the words “of section 298”; and

(3) in section 326 thereof –

(a) immediately after paragraph (f) in subsection (1) thereof there shall be added the following new paragraph (g):

“ (g) cut, break, throw down, destroy, damage, remove, tamper or connect with, any part of any apparatus, duct, pole, cabinet, wire, cable or other matter or thing whatsoever, being part of or being used or employed in the cable television network or in the working thereof or for the supply of the cable television service.”; and

(b) immediately after paragraph (b) in subsection (2) thereof there shall be added the following new paragraph (c):

“ (c) do anything described in paragraph (g) of subsection (1) of this section.”.

42. Immediately after paragraph (b) in the definition of “authority” in section 2 of the Fixed Electrical Power and Telegraphic Communications Systems Ordinance there shall be added the following new paragraph:

“ (c) in the case of works in connection with any cable television or radio service, such Cable Operator or Operators as would have been designated by the Government to provide such a service;”.

Amendment to Fixed Electrical Power and Telegraphic Communications Systems Ordinance
Cap. 81

43. Immediately after section 41 of the Press Act, there shall be added the following new part:

Amendment to the Press Act Cap. 248

**“Part IV A
Broadcasting Stations**

Editors of broadcasting stations 41A. Every broadcasting station in Malta shall appoint a person having the qualifications listed in section 34 to be the editor of, and be editorially responsible for, that broadcasting station.

Applicability of sections 35, 36, 38, 39 and 40 41B. The provision of sections 35, 36, 38, 39 and 40 of this Act shall *mutatis mutandis* apply to editors of broadcasting stations and to broadcasting stations as they apply to editors of newspapers and to newspapers respectively.

Duties of editors 41C. Editors of broadcasting stations shall have the same duties and obligations under this Act as are by the same imposed on editors of newspapers.

Interpretations 41D. For the purpose of this part the term broadcasting station shall have the same meaning as is attributed to it in the Broadcasting Act, 1991.”.

Repeal of
Broadcasting Ordinance
Cap 165

44. (1) Subject to the provisions of this section, the Broadcasting Ordinance is hereby repealed.

(2) The repeal of the Ordinance aforesaid shall be without prejudice to anything done or omitted to be done under the said Ordinance and in particular shall not affect the validity of any scheme of political talks or other programmes made by the Authority in virtue of sub-paragraph (i) of paragraph (g) of section 7 of the said Ordinance, or of any other directives issued by the Authority under the said Ordinance in furtherance of its duties and functions.

FIRST SCHEDULE

Section 16 (3).

PURPOSES FOR WHICH PROVISION IS TO BE MADE

IN LICENCES AND CONTRACTS

FOR THE PROVISION OF BROADCASTING SERVICES

1. A licence shall include –
 - (a) such conditions as appear to the Authority to be appropriate having regard to any duties which are or may be imposed on them, or on the licensee, by or under this Act;
 - (b) conditions enabling the supervision and enforcement of technical standards in connection with the provision of the licensed service (including the use of the allocated frequency);
 - (c) conditions requiring the payment by the licensee (whether on the grant of the licence or at such times thereafter as may be determined by or under the licence, or both) of a fee or fees of an amount or amounts so determined;
 - (d) conditions requiring the licensee to furnish the Authority, in such manner and at such times as it may reasonably require, with such information (including documents, returns, accounts and declarations) as it may require for the purpose of exercising the functions assigned to it by or under this Act;
 - (e) conditions requiring the licensee, if found by the Authority to be in breach of any condition of his licence, to reimburse to the Authority, in such circumstances as are specified in any conditions, any costs reasonably incurred by it in connection with the breach of that condition;
 - (f) conditions providing for such incidental and supplemental matters as appear to the Authority to be appropriate;
 - (g) conditions requiring licensees, other than those providing community radio services, within each financial year, to present to the Authority copies of their audited accounts for the previous financial year, a declaration as of the 31st December of each year as to the licensees' affairs/corporate structures as well as reports on the state of public opinion concerning their programme services;
 - (h) conditions requiring licensees, other than those providing community radio services, to make use of a master antenna system.
2. A licence shall in particular include –
 - (a) conditions requiring the licensee –

(i) to comply with any direction given by the Authority as to such matters as are specified in the licence or are of a description so specified;

(ii) (except to the extent that the Authority consent to his doing or not doing them) not to do or to do such things as are specified in the licence or are of a description so specified;

(iii) to comply with the programme service ("promise of performance") as approved by the Authority.

(b) conditions requiring the licensee to permit –

(i) any employee of, or person authorised by, the Authority, or

(ii) any officer of, or person authorised by, the Minister responsible for Wireless Telegraphy,

to enter any premises which are used in connection with the broadcasting of the licensed service and to inspect, examine, operate or test any equipment on the premises which is used in that connection; and

(c) conditions requiring the licensee –

(i) to retain, for a period of 90 days, a recording of every programme included in the licensed service;

(ii) at the request of the Authority or of a Court of Law, to produce to it any such recording;

(iii) to retain, for a period of one year, a transcript of every news programme included in the licensed service;

(iv) at the request of the Authority or of a Court of Law, to produce to it any such news transcript and any other script or transcript of a programme included in the licensed service which he is able to produce to it;

(v) to keep full logs for a twelve month period of all transmissions of the licensed service;

(vi) at the request of the Authority, or of a Court of Law, to produce to it such logs;

(vii) to adopt procedures to handle complaints from viewers and listeners.

3. A licence for community radio services shall include conditions preventing the licensee from –

(a) utilising any of the frequencies allocated to Malta in terms of international agreements;

(b) interfering with any national broadcasting station received in Malta whether originating from Malta or from abroad;

- (c) interfering with any of the nationwide radio services;
- (d) having a range of reception exceeding a radius of 2.5 kilometres from the point of transmission with such range being determined by actual tests;
- (e) including anything in programmes which offends against good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling; and
- (f) transmitting news or current affairs programmes except of a community nature;
- (g) utilising an allocated frequency for less than 20 hours per week.

SECOND SCHEDULE

Section 11 (1) (c).

NATIONAL BROADCASTING PLAN

General Principles

1. The National Broadcasting Plan gives expression to the following principles:
 - (a) Freedom of expression, as enshrined in section 41 of the Constitution, should be interpreted as guaranteeing pluralism in broadcasting. This section guarantees freedom to receive ideas and information without interference, and freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons).
 - (b) The public broadcasting services should remain independent of Government editorially and, to the greatest extent possible, in economic and regulatory terms.
 - (c) Because of broadcasting's power, immediacy and influence, there should be continued provisions, through both the law and regulatory oversight, governing programme standards, including the portrayal of violence and sex.
 - (d) There are significant differences between radio and television as broadcasting media which need to be reflected in their respective regulatory arrangements.
 - (e) There should be opportunities for new services to develop, as the market demands, and Government should not attempt to determine artificially the relative success of different technologies.
 - (f) There should be no unnecessary constraints on increasing the range, variety and quality of programmes from which viewers and listeners can choose.
 - (g) There should be increasing opportunities for direct choice of television and radio programme services.
 - (h) There should be vigilance against uncompetitive practices and market distortions. Partly for this reason there should be a greater separation between the various functions which make up broadcasting and which have in the past been carried out by one organisation.

Television

2. (1) Pluralism is to be established in Maltese television.
 - (2) As a first step the introduction of a cable television system will have a community channel operated by or for the Broadcasting Authority.
 - (3) An educational channel will also be operated in conjunction with the Department of Education.

(4) Provision is also being made for new private channels within the cable system to be made available for allocation by the Authority.

3. Within four years, and depending to a great extent on the penetration of the cable system, the Government will decide whether to make frequencies available for private terrestrial transmissions or continue to rely on the cable system itself.

4. In conjunction with the private sector, the Government is interested in tapping the new important satellite TV market as well as to utilise Malta's frequency resources.

5. In 1989 the Government enacted the necessary legislation to permit individuals to receive television signals from telecommunications satellites, subject only to aesthetic and technical considerations. This had followed the Government's 1988 decision to allow hotels and tourist complexes to install satellite receiving dishes.

Radio

6. It is the opinion of Government that at present there is little prospect of additional national radio services on the MW band. The Government will, however, remain open to the development of international services on this band.

7. The Government believes that here is scope for ten nationwide radio services on the VHF/FM band and the Government will make available to the Authority two mono frequencies and eight stereo frequencies for these services. Two of these services, one mono and one stereo are expected to be provided as part of the State's public broadcasting services.

8. Licences for nationwide radio services in the Maltese Islands are to be awarded by the Authority to selected Maltese citizens, or Maltese-controlled and registered companies, to provide the following:

- (a) Seven services (including one provided by the State) which will transmit for at least twelve hours daily and which will comprise education, information and entertainment programming calculated to appeal to a variety of tastes and interests, and not limited to a narrow format. A number of these services however may be more specifically tourist-oriented;
- (b) three twenty-four hour live stereo services providing music, information, news analysis, interview, discussions and phone-in programmes.

9. Organisations, persons or companies interested in providing any of the nationwide services outlined above will have to provide details of their proposed programming as well as full technical and locational details of the transmitting and studio facilities envisaged. They will also have to provide all relevant background information concerning financing, their investment programme and similar information.

10. To further extend pluralism and the right of access, community broadcasting is to be allowed and encouraged.

11. (1) Government will allow, through the Authority, community broadcasters access to the VHF/FM band.

(2) The services provided by these stations are not expected to be within the stricter parameters described above for nationwide services. The intention is that the stations will be subject to the minimum of regulation consistent with the public interest; will be permitted to adopt their own editorial point of view; will be permitted to carry sponsored programmes; and will own their transmitters and thus broadcast themselves.

Regulation

12. The Authority will be responsible for assigning the frequencies, identified by the Government, and issuing licences. Stations will be responsible for their own transmission arrangements, and will be expected to broadcast on single frequencies. Stations will not generally be able to receive public funding, but there will be certain clearly defined exceptions. The number and scale of community services will depend solely on local demand and wishes. The Government will create an environment in which community radio, based on local identity, will be able to fulfil its potential.

13. The Constitutional obligations on impartiality and facilities, in so far as radio services are concerned, are covered fully by the total liberalisation of the citizen's access to and use of this medium.

14. The Government will continue to exercise regulatory control over the type and performance of broadcasting equipment used in nationwide and community transmissions. This will be done to prevent interference to other users of the radio spectrum. Stations may be tempted to increase the power output of their transmitters to get larger audience coverage. The Authority will therefore specify in the licences it issues the permitted power levels, etc. Stations will also need to take care that they do not contravene their licences, by causing interference to other users as a result of poor engineering. On both technical and frequency matters the responsible body will remain the Minister responsible for Wireless Telegraphy.

15. At nationwide and community level, each licensed station shall arrange its own funding. Advertising or voluntary subscriptions or donations are obvious sources of income.

Public broadcasting services

16. No organisation, person or company, other than the State, will be able to own, control or be editorially responsible for more than one broadcasting service.

17. The public broadcasting services will have a special role in the structure of broadcasting in the Maltese islands. They will be expected to provide high quality programming across the full range of public tastes and interests; the public services have a particular duty to provide programming of an educational and cultural nature. They must concentrate on the high educational levels and the continued training of personnel and must adopt internationally practised contemporary methods of production of its programmes and news bulletins. 'Farming out' of any of its production and other services to outside studios, producers or companies on an *ad hoc* or other contractual basis should therefore also be considered as long as these meet strict standard levels.

18. The State's monopoly of broadcasting in Malta will be ended.

19. Malta's public broadcasting media will now include:

- (a) Public Broadcasting Services Ltd, with its television channel and two radio services;

- (b) The cable system's community and educational channels.

20. The public broadcasting media have the particular responsibility of providing news and current affairs programming which respect the Constitutional requisites of adequate impartiality, and which shall also be in line with journalistic principles aimed at ensuring a comprehensive and accurate information service in the interests of a democratic and pluralistic society. They should be leaders in providing quality television to the Maltese public with regard to programming, news and analysis and should be able to interpret the guidelines issued by the Authority in respect of news and current affairs not as rigid straightjacketing but as a flexible tool in the hands of creative journalists.

European standards

21. The Government will continue to play an active part in the work of the Council of Europe on media matters. It believes in the development of radio and television services and in the removal of obstacles to the flow of television programmes across frontiers. At the same time, the Government desires that standards of programmes be improved and not be undermined by services received in Malta directly from other countries. The Government is cognizant of the need to ensure that programmes meet certain fundamental standards, particularly in matters such as taste and decency.

22. Through its participation in the Council of Europe, the Government has followed the question of international regulation. The policy adopted by the Government is clear. It will abide by the new European Convention on Transfrontier Television.

23. The Government is also following the work leading to the European Community Directive on satellite services. The Directive will cover such matters as satellite news gathering and VSAT operations (very small satellite terminals for reception only or for both transmission and reception).

24. The Government supports the aim and principles of the Community Directive of third October 1989 (89/552/EEC) assisting the television industry in Europe by eliminating obstacles to the free flow of television services and coordinating certain provisions concerning the pursuit of television broadcasting activities. The Government will therefore eventually revise Malta's laws, or where necessary enact new legislation and rules in the broadcasting field, in order to comply with the intention of the Directive.

25. The EC and Council of Europe instruments will contribute to the maintenance of programme standards throughout Europe, while removing the barriers which have hitherto inhibited the free flow of broadcasting services. These instruments are consistent with the approach of the Government towards domestic broadcasting services in establishing and enabling regulatory framework to allow increased broadcasting activities and opportunities for broadcasters and viewers.

THIRD SCHEDULE

Section 19 (2).

CODE FOR ADVERTISEMENTS AND SPONSORSHIPS

General standards

1. Advertising shall not:
 - (a) prejudice respect for human dignity
 - (b) include any discrimination on grounds of race, sex or nationality
 - (c) be offensive to religious or political beliefs
 - (d) encourage behaviour prejudicial to health or to safety
 - (e) encourage behaviour prejudicial to the protection of the environment
 - (f) be of a political nature
 - (g) be inserted in any broadcast of a religious service.

2. No person who is authorised to broadcast commercial advertising shall confine such advertising to goods or services of a sole commercial or financial group or grant any exclusive right for the commercial advertising of a specific product or service.

3. In the acceptance of advertisements there must be no unreasonable discrimination either against or in favour of any particular advertiser.

Forms and Presentation

4. Advertisements shall be clearly distinguishable as such and recognisably separate from the other items of the programme service by optical or acoustic means. In principle, they shall be transmitted in blocks.

5. Successive advertisements must be recognisably separate in particular techniques such as those described in section 19 of this Act.

6. Advertisements must not be arranged or presented in such a way that any separate advertisement appears to be part of a continuous feature.

7. Audible matter in advertisements must not be excessively noisy or strident.

8. Advertising shall not use subliminal techniques.

9. Surreptitious advertising, that is the representation in words or pictures of goods, services, the name, the trademark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the broadcaster to serve as advertising and might mislead the public as to its nature, shall be prohibited. Such representation shall be considered to be intentional in particular if it is done in return for payment or for similar consideration.

Insertion of advertisements

10. Advertisements shall be inserted between programmes. Provided the conditions contained in paragraphs 11 to 14 of this schedule are fulfilled, advertisements may also be inserted during programmes in such a way that the integrity and value of the programme, taking into account natural breaks in and the duration and nature of the programme, and the rights of the rights holders are not prejudiced.

11. In programmes consisting of autonomous parts, or in sports programmes and similarly structured events and performances comprising intervals, advertisements shall only be inserted between the parts or in the intervals.

12. The transmission of audiovisual works such as feature films and films made for television (excluding series, serials, light entertainment programmes and documentaries), provided their programmed duration is more than 45 minutes, may be interrupted once for each complete period of 45 minutes. A further interruption is allowed if their programmed duration is at least 20 minutes longer than two or more complete periods of 45 minutes.

13. Where programmes, other than those covered by paragraph 11 are interrupted by advertisements, a period of at least 20 minutes should elapse between each successive advertising break within the programme.

14. News and current affairs programmes, documentaries, religious programmes, and children's programmes, when their programmed duration is less than 30 minutes shall not be interrupted by advertisements. If their programmed duration is of 30 minutes or longer, the provisions of the previous paragraphs shall apply.

Advertising of particular products

15. All forms of advertising for cigarettes and other tobacco products shall be prohibited.

16. Advertising for medicinal products and medical treatments available only on prescription shall be prohibited.

17. Advertising for all other medicines and medical treatment shall be clearly distinguishable as such, honest, truthful and subject to verification and shall comply with the requirement of protection of the individual from harm.

18. Advertising for alcoholic beverages shall comply with the following criteria:

- (a) it may not be aimed specifically at minors or, in particular, depict minors acquiring or consuming these beverages;
- (b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;
- (c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;
- (d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, or sedative or a means of resolving personal conflicts;

- (e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- (f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.

Advertising directed at minors

19. Advertising shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection:

- (a) it shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;
- (b) it shall not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;
- (c) it shall not exploit the special trust minors place in parents, teachers or other persons;
- (d) it shall not unreasonably show minors in dangerous situations.

Sponsorship

20. Sponsored programmes shall meet the following requirements:

- (a) the content and scheduling of sponsored programmes may in no circumstances be influenced by the sponsor in such a way as to effect the responsibility and editorial independence of the broadcaster in respect of programmes;
- (b) they must be clearly identified as such by the name and/or logo of the sponsor at the beginning and/or the end of the programmes.

Prohibited sponsorship

21. Programmes may not be sponsored by natural or legal persons whose principal activity is the manufacture or sale of products, or the provision of services, the advertising of which is prohibited by paragraphs 15 and 16.

22. News and current affairs programmes may not be sponsored.

Duration

23. The amount of advertising shall not exceed 15% of the daily transmission time. However this percentage may be increased to 20% to include forms of advertisements such as direct offers to the public for the sale, purchase or rental of products or for the provision of services, provided the amount of spot advertising does not exceed 15%.

24. The amount of spot advertising within a one-hour period shall not exceed 20%.

25. Without prejudice to the provisions of paragraph 23, forms of advertisements such as direct offers to the public for the sale, purchase or rental of products or for the provision of services shall not exceed one hour per day.

26. The amount of time given to advertising on radio services shall not exceed 25% within a one hour period provided that part of such advertising time may be aggregated to a continuous period not exceeding two hours in each twelve hour period.

Exemptions

27. Paragraphs 10 to 14 and 23 to 25 shall not apply to radio services.

Section 35

**A. APPLICATION FORM FOR A VHF/FM
NATIONWIDE SOUND BROADCASTING RADIO SERVICE**

- (a) Applicants are requested to note that they will be required to use the VHF/FM Master Antenna System which is to be installed at the existing television antennae site at Gharghur.
- (b) Applications should be typed. Twelve copies of this completed form are required. Only add separate sheets where it is indicated you may do so; otherwise responses must be kept within the space allocated. Appendices giving additional information, or any other material (e.g. cassettes, publicity documents), should not be enclosed unless specifically requested. Failure to comply with these requirements will render the application liable to disqualification. Following the presentation of this application form to the Broadcasting Authority any contact between the applicant and the Authority should only be at the instigation of the Authority.
- (c) This form, when completed, should be addressed to the Chairman of the Broadcasting Authority.

1a. PROPOSED STATION NAME
(or name by which the applicant is usually known).

1b. NAME, ADDRESS AND TELEPHONE NUMBER(S) OF MAIN ORGANISER(S) OF THIS APPLICATION
(for contact purposes: maximum two persons).

Name (1) (2)

Address

Telephone
(daytime)

1c. LEGAL STATUS OF APPLICANT

(see Section 10, subsections (4) to (6) of Part III of the Broadcasting Act, 1991).

2. CONTENT AND STYLE OF PROGRAMMING (maximum 60 words)
(This is your 'Promise of Performance' – see Section 5a of this form).**3. MEMBERS OF APPLICANT GROUP** – overleaf give name, age, address, nationality (if not Maltese) and other activities (e.g. other directorships) of each. Briefly describe personal background and previous experience, especially that which is relevant to running this radio service.

3a. MANAGING DIRECTOR

Name:

Age:

Address:

Nationality:

Background/Experience:

3b. DIRECTORS / MANAGEMENT COMMITTEE

For each individual, provide the following information (use additional sheets if necessary) :

Name:

Age:

Address:

Nationality:

Background/Experience:

3c. **DESCRIBE HOW, AND WHEN, THE APPLICANT GROUP WAS FORMED, AND HOW IT HAS DEVELOPED.**

Mention any other organisations lending support to this application.

4. STAFFING

- 4 a. Draw up a reporting structure showing station management and organisation, including all intended staff posts, with salaries. (Use one additional sheet if necessary).

- 4 b. **EXECUTIVES / SENIOR STAFF** (including those mentioned at Section 3) – give name, age, address and nationality (if not Maltese) of any individuals so far appointed or identified for station management or other senior staff posts. Briefly describe personal background and relevant previous experience, and state which post the individual would occupy. (Use additional sheets if necessary).

4c. Give total number of (i) full-time and (ii) part-time staff actually employed or to be employed in paid posts.

	(i) Full-time	(ii) Part-time
--	---------------	----------------

Actually employed		
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To be employed		
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4d. If appropriate, indicate how voluntary (i.e. unpaid) staff would contribute to the running of the station, and how many volunteers might be involved during a typical week.

5. PROGRAMMING

5a. Make your promise of programming performance, stating, in not more than sixty words, the precise nature of the programme service you intend to provide. If possible, quantify in approximate terms the proportions of airtime to be devoted to the main elements of output. (Please use same wording as in Section 2).

5b. Briefly describe how your proposed programming will differ from, and add to, the choice of radio output already available.

5c. During which hours of the day do you intend to broadcast? (If different from day to day, please list each day of the week separately).

5d Do you intend to broadcast any programmes obtained from a source other than your own radio station?
YES NO

IF YES, STATE:

When? (State times of day)

For how many hours per week in total?

From what source(s)? (State number of hours per source)

(Note: If the sharing of a frequency between a number of different contributing groups is planned, please provide an outline of the sharing arrangements proposed, as part of the response to Section 5f below).

5e. What arrangements will you make to obtain:

National news?

International news?

5 f. Provide an outline on these pages of a proposed typical week's programming, indicating the times of broadcasting and the length and type of items likely to be included. Indicate also whether any increase in hours is expected, and when.

5 f. (contd.)

5 f. (contd.)

5g. What, if any, are your plans for preparing and broadcasting national information, social action and/or religious programming? Please include details of any proposals for off-air activity, e.g. the provision of training facilities.

5h. If programming in languages other than Maltese is proposed, state which, and give approximate proportions of total output to be broadcast in these languages.

6. THE AUDIENCE

- 6a. How large an audience do you expect to attract? Will your station appeal especially to particular groups within the population (if so, say which)? What evidence do you have of public demand for the type of programme service you propose? (If specific audience research has been carried out, use this and a maximum of one additional page to summarise main findings of relevance. Do not include full audience research reports with the application).**

6b. By what means would the station plan to keep in touch with the views of its listeners, and their responses and reactions to its services?

6c. Are there any particular organisations or groups within the Maltese islands which you would expect to involve on a regular basis in the station's programming, or on an advisory basis?

7. FINANCIAL ARRANGEMENTS

7a. Applicants should submit a feasibility study analysis covering three (3) years as a minimum which should include:

- (i) Projected profit and loss statement – first year per quarter;
- (ii) Projected cash flow statement – first year per quarter;
- (iii) Projected balance sheet for the three years;
- (iv) Projected statement of source and application of funds;
- (v) Details of assumptions on which feasibility study is based;
- (vi) Details of financing arrangements;
- (vii) Details of grants and donations.

7b. Share capital

Classes of share capital:

Number	Par value	Issue Price (if different)
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Voting:

Non voting:

Other: *(Please specify)***7c. Loan Stock**

If loan stock is to be issued, state the amount and redemption/conversion terms.

7d. Set out below the details of all voting shareholders (excluding any nominal membership shares), and holders at 5% or more of non-voting shares and loan stock. (A second page may be added if necessary).

Name of Investor	Address	Invest. Lm	% of total required
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7e. Describe briefly the method by which share/loan capital is to be raised. (Give details of any proposal to have share capital publicly quoted).

7f. **Other loans**

If appropriate, give details of lender, interest rate and repayment terms.

7g. **Bank overdraft facilities**

If facilities have been provisionally negotiated, attach a supporting letter from the relevant bank.

Letter dated

Enclosed/Not enclosed
(delete as applicable)

7h. Details of capital expenditure.

8. CASH FLOW FORECAST

In which year of operation is it expected:

(i) first to make a trading profit?

(ii) to have eliminated all cumulative losses?

9. ADVERTISING AND OTHER REVENUE

9a. What arrangements do you propose for the sale of advertising?

9b. Briefly show how you have estimated your annual revenue from the sale of advertising time (taking into account e.g. population coverage, percentage of airtime sold, tariff levels).

9c. Who within the radio station would be responsible for advertising. (Please confirm that he/she will be made familiar with the Code for Advertisements and Sponsorships as laid down in the Third Schedule of the Broadcasting Act 1991).

9d. If you plan to raise revenue from sources other than the sale of airtime for advertising (e.g. merchandising, commercial production, co-funding, etc.), please list these below:

Type/source of revenue	Expected annual income (Yr 1) Lm	% of total revenue required
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10b. Provide details of any connection between the applicant group (as defined above) and the following:

(i) Sound broadcasting, television, and allied activities (e.g. wire distribution of sound or television, satellite and cable television).

(ii) Places of entertainment or other entertainment activities.

(iii) Other connections of a nature relevant or related to broadcasting.

(iv) Connections with bodies of a wholly or mainly religious nature.

(v) Connections with bodies of a wholly or mainly political nature.

11. TRANSMITTERS AND OTHER EQUIPMENT (Until an offer of licence is made, the Authority does not wish to be told which engineering company or consultancy, if any, has been or will be providing advice or services to the applicant).

11a. Assuming that you will be required to use a VHF/FM Master Antenna System and that this would be installed at the existing TV antennae site, Gharghur, give details of the coverage pattern and power and signal level you envisage to provide a good quality signal within the Maltese Islands.

11b. On a separate sheet, list and price all transmitting equipment you either have or intend to purchase, giving performance specifications.

11c. What test equipment do you propose using, and how will you monitor and control important parameters of the signal, including frequency, power, spurious radiation and modulation level?

11d. Please add any technical points regarding transmission, in addition to those given in sections 11a and 11b, including whether you wish to broadcast in stereo.

Mono Stereo

11e. Are you currently using any VHF/FM frequencies or have you any preference for any particular frequency?

12. **STUDIOS** (Until an offer of licence is made the Authority does not wish to be told which engineering company or consultancy, if any, has been or will be providing advice or services to the applicant).

12a. What is the proposed location (give the actual address, if known) of your studio(s)? What is the property currently used for?

12b. What form of acoustical treatment and isolation do you envisage for your studio(s)?

12c. On a separate sheet, insert a rough scale plan of your studio(s), technical areas and other principal rooms, giving all dimensions.

12d. On a separate sheet, list and price all studio equipment you either have or intend to purchase, giving proforma specifications.

12e. Please add any technical points regarding studios, in addition to those given in sections 12a to 12d.

12f. What arrangements do you propose for linking your studio(s) with the transmitter?

13. READINESS DATE

How long after the award of licence would you be ready to start broadcasting? What are the main factors that will determine your readiness date?

I certify that, to the best of my knowledge, the details given in this application for a licence to provide sound broadcasting services are correct, and that I have read the Broadcasting Act 1991 and understand the terms under which licences to broadcast are issued. I understand that, if awarded the licence, tape recordings of all output, apart from commercial tapes, records or discs (with timings), will need to be made and retained for ninety days prior to being recycled and that if phone-ins are part of the station's programming a delay mechanism will need to be installed and instructions given for its use where necessary.

Signature:

Name (in block capitals):

Position within applicant group:

**B. APPLICATION EVALUATION FORM
FOR A VHF/FM NATIONWIDE SOUND
BROADCASTING RADIO SERVICE**

(For Broadcasting Authority use)

PROPOSED STATION NAME:		MARKING Very Good Good Ave. Poor Very Poor 5 4 3 2 1
QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION A: GROUP AND STAFFING		
3a	Managing Director assess suitability and expertise (Mark 2 if no Managing Director or equivalent named)	
3b	Directors (excluding MD): assess expertise and local involvement	
3c	History of group: assess depth of commitment	
4a, c-d	Staffing: assess practicality in relation to programming and financial plans	

QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION A: GROUP AND STAFFING (contd.)		
4b	<p>Executives (including MD): assess expertise and background of individuals mentioned</p> <p>(Mark 2 if no executives are named)</p>	
SECTION B: PROGRAMMING		
5a	Programming approach: assess coherence, as outlined in promise of performance	
5b	Diversity: assess degree to which proposals would genuinely increase choice available to listeners	
5c-d	Independence and co-operation: assess practicality of plans to 'go it alone' or to draw upon outside resources	

QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION B: PROGRAMMING (contd.)		
5e-h	Programming plans: assess realism in fulfilling performance brief	
6a	Audience demand: assess validity of evidence for audience targetting proposed	
6b-c	Audience involvement: assess degree to which applicant is in touch with audience.	
SECTION C: FINANCE		
7a (i) to (vii)	Financial Arrangements: assess feasibility study analysis	
7b	Share Capital	

QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION C: FINANCE (contd.)		
7c	Loan Stock (Mark 2 if none)	
7d	Details of voting	
7e	Method by which share/loan capital is to be raised	
7f	Other loans (Mark 3 if none)	
7g	Bank overdraft facilities	

QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION C: FINANCE (contd.)		
7h	Details of capital expenditure	
8	Cash flow: assess forecast	
9a-d	Revenue: EITHER assess advertising revenue projections OR assess credibility of alternative proposals for generating income	
10	Applicant's other interests: do these present any potential difficulties (and if so, say what these are)? (Mark 4 for no difficulties, 2 for minor difficulties, 1 for major difficulties)	

QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION D: ENGINEERING		
11a	Coverage pattern, power and signal level, quality of signal: assess conclusions	
11b	Transmitting equipment: assess suitability for task	
11c	Testing equipment: assess suitability	
(NB Incorporate any points in 11d within assessments of 11a-c)		
12a	Studio location: assess practicality	
12b	Acoustical standards: assess provision	

QUESTION	ASSESSMENT: KEY POINTS ONLY	MARK (1-5)
SECTION D: ENGINEERING (contd.)		
12c	Studio plans: assess	
12d	Studio equipment: assess	
(NB Incorporate any points in 12e within assessments of 12a-d)		
13	Readiness date: enter date proposed (Mark 4 if feasible, 2 if unlikely, 1 if impossible).	

**C. TECHNICAL CONDITIONS RELATING TO THE ESTABLISHMENT AND
OPERATION OF A VHF / FM STATION FOR A NATIONWIDE SOUND BROADCASTING
RADIO SERVICE IN THE FREQUENCY BAND 87.5 TO 108.0 MHZ**

CONTENTS

- 1 Purpose.**
- 2 General.**
- 3 Definitions.**
- 4 Abbreviations.**
- 5 Transmitter Construction.**
- 6 Transmission Characteristics.**
- 7 Artificial Antenna.**
- 8 Safety and Weather Protection.**
- 9 Station Certification.**
- 10 Station access and Personnel.**
- 11 Connection to Public Telecommunications Circuits.**
- 12 Environmental Conditions.**
- 13 Power Supply.**
- 14 Documentation.**
- 15 Transmitter Load Protection.**
- 16 Site in the National Plan for VHF/FM Nationwide Sound Broadcasting Radio Service**
- 17 Changes to characteristics of frequency assignments.**

1. PURPOSE

This document specifies the technical conditions attached to a licence issued under the Broadcasting Act 1991 for the establishment and operation of a VHF - FM station for a Nationwide Sound Broadcasting Radio Service in the frequency band 87.5 to 108 MHz.

2. GENERAL

- 2a. These technical conditions detail those characteristics of the equipment that need to be considered for the purposes of frequency spectrum management and safety and do not include detailed equipment specifications.
- 2b. Type approval of equipment is not envisaged. Instead a procedure of station certification, by a qualified person (see section 9) will apply.
- 2c. Revision of the technical requirements specified in this document may be required from time to time.
- 2d. Even though a system may satisfy the requirements specified in this document at the time of authorisation, international agreements may necessitate additional requirements/restrictions for any station.

3. DEFINITIONS

- 3a. *Current Radio Regulations*
The current Radio Regulations are "The Radio Regulations edition of 1990"
- 3b. *Geneva 84 Plan*
The Geneva 1984 Plan is the "Final Acts of the Regional Administrative Conference for the planning of VHF Sound Broadcasting, Geneva 1984".
- 3c. *Assignment* (of a radio frequency or radio frequency channel)
A radio frequency or radio frequency channel for which authorisation has been received for its use at a specified station with specified characteristics.
- 3d. *Effective Radiated Power (e.r.p.)*
The Effective Radiated Power, in a given direction, is the product of a power supplied to the antenna and its gain relative to a half-wave dipole.
- 3e. *Authority*
Authority means the Broadcasting Authority.

4. ABBREVIATIONS

IEC – *International Electrotechnical Commission*

EBU – *European Broadcasting Union*

RDS – *Radio Data Systems*

CCIR – *International Radio Consultative Committee*

5. TRANSMITTER CONSTRUCTION

5a. *General*

The mechanical and electrical construction shall meet such requirements as can be reasonably set, taking the state of the art into account. (See also Section 8 "Safety and Weather Protection").

All controls, meters, indicators and terminals shall be clearly labelled. Details of the power supply from which the equipment is intended to operate shall be clearly indicated. The equipment should normally consist of one complete unit.

5b. *Controls*

There shall be a control to switch "on" and "off" the power to the entire installation. The "on" position shall be clearly indicated.

Controls which, when wrongly adjusted, increase the risk of causing interference or of improper functioning of the transmitter shall not be immediately accessible to the user.

5c. *Manufacturer's Identification*

The transmitter shall be provided with an indication showing the manufacturer's trade mark, type designation and serial number. The indication shall be fitted on the outside of the transmitter, shall be clearly readable, unremovable and indelible.

6. TRANSMISSION CHARACTERISTICS

6a. *Frequency Aspects*

The equipment shall be designed to operate on the assigned frequency in the frequency band 87.5 to 108 MHz only.

In accordance with Appendix 7 of the current Radio Regulations the frequency tolerance shall be within +/- 2KHz of the nominal value specified in the licence.

The transmit-frequency shall be derived from a crystal-oscillator. If use is made of a synthesiser and/or a phase locked loop system, the transmitter shall be inhibited when synchronisation is absent. The transmitter frequency adjustment control shall not be easily accessible to the user.

6b. *Spurious and Harmonic Emissions*

With the transmitter operating at any power up to its specified power level into its designed load impedance, the level of any spurious or harmonic emissions in the frequency range 100KHz to 2GHz, excluding the range +/-300KHz relative to the unmodulated carrier frequency, shall not exceed a value of 70dB below the unmodulated carrier power. However in the band 108 – 118 MHz the level of any spurious emissions shall be limited to not more than 77dB below the unmodulated carrier.

6c. *Class of Emission, Bandwidth, and Modulation Standards*

(i) *Modulation Standards*

In accordance with the Geneva '84 Plan (Chapter 3), the transmission system used shall be either System 1 : monophonic (with maximum frequency deviation +/- 75KHz) or System 4 : Stereophonic pilot tone system (maximum frequency deviation +/- 75KHz).

(ii) *System 1: Monophonic Transmission*

The radio-frequency signal consists of a carrier frequency modulated by the sound signal after pre-emphasis with a maximum frequency deviation of +/- 75KHz.

(iii) *System 4: Stereophonic Transmission*

The radio-frequency signal consists of a carrier frequency modulated by baseband signal according to

the specifications of the pilot-tone system. The maximum frequency deviation is +/-75 KHz.

(iv) *Pre-emphasis and low pass filter*

The transmitter must be provided with a pre-emphasis filter with a time-constant of 50 microseconds, combined with a low-pass filter with an attenuation of at least 30dB at an input modulation frequency of 20 KHz, relative to the level at 1 KHz.

(v) *Permitted subcarriers for the transmission of supplementary information.*

The addition of a sub-carrier on 57 KHz for the transmission of supplementary information using the Radio Data System (RDS) specified in EBU Document Tech. 3244 is considered as being included in the above designation of Emission and permitted Bandwidth. However prior approval must be obtained from the Authority for the use of this system.

6d. *LF input and RF output impedance*

The nominal LF input impedance shall be 600 Ohms balanced to earth within the modulation frequency range 40 Hz – 15 KHz. The RF output characteristic impedance of the equipment shall be 50 Ohms.

6e. *Transmitter Power*

The transmitter RF output power shall not exceed the value specified in the licence by more than 1dB (26 %). The transmitter must incorporate a suitable meter indicating the RF output power to enable routine checks to be made.

7. ARTIFICIAL ANTENNA

An artificial antenna must be provided for off air testing and equipment alignment at each station. This should consist of non-reactive non-radiating load of 50 Ohms impedance which can be connected to the output of the transmitter.

8. SAFETY AND WEATHER PROTECTION

8a. *Safety*

(i) A broadcasting Transmission Installation shall be so designed, constructed and installed as to prevent danger arising, either in normal use or under fault conditions, to personnel working on, or externally inspecting the system, or to any other person. Safety should be considered under the following headings:

- personal protection against electric shock;
- personal protection against radiation;
- personal protection against physical injury;
- protection against fire;

(ii) The system must comply with IEC Specification 215 (Third Edition 1987) relating to Safety Requirements for Radio Transmitting Equipment.

8b. *Weather Protection*

All apparatus and cables exposed to weather, corrosive atmosphere or other adverse conditions shall be so constructed or protected as may be necessary to prevent danger arising from such exposure.

9. STATION CERTIFICATION

9a. It is the responsibility of the Licensee to ensure that the suitably qualified person has the necessary technical training, knowledge and practical experience so as to be able to certify that the installation and maintenance of the station complies with these technical conditions.

- 9b. Permission for on-air testing prior to the certification in 9c below and commencement of regular service shall be obtained from the Authority.
- 9c. When the installation of equipment is complete the Licensee shall provide evidence of certification, by a suitably qualified person, to the Authority, that the station is ready to commence operation in accordance with these technical conditions.

10. STATION ACCESS AND PERSONNEL

- 10a. Only authorised personnel shall have access to the Transmission Equipment for the purposes of adjustment/maintenance of that equipment.
- 10b. It is the responsibility of the licensee to ensure that all authorised personnel are adequately trained for the functions they are authorised to undertake.

11. CONNECTION TO THE PUBLIC TELECOMMUNICATIONS NETWORK

Where studio and transmitting equipment is connected together by circuits provided on the Public Telecommunications Network prior approval by Telemalta Corporation shall be obtained.

12. ENVIRONMENTAL CONDITIONS

Whilst due allowance must be made for likely ambient temperature and humidity variations for the particular location of the transmitter, compliance with the requirements must be achieved over the following minimum ranges:

Ambient Temperature: 5 deg. Cel. to 45 deg. Cel.
Relative Humidity: 0 % to 95 %

13. POWER SUPPLY

- 13a. Whilst due allowance must be made for the stability of the actual power supply, compliance with the requirements of this Specification must be achieved for supply voltage variations in the range +6 % to -10 % of the nominal value.
- 13b. Precautions shall be taken to prevent switching or commutation spikes from being radiated or superimposed upon the incoming supply.

14. DOCUMENTATION

Accurate operating instructions for the correct use of the transmitter must be kept with it at all times. Similarly, up-to-date circuit diagrams and parts lists must be available to enable proper maintenance. Any modifications to the transmitter must be carried out by qualified personnel, and the details reported to the Authority.

15. TRANSMITTER LOAD PROTECTION

The transmitter should be designed such that it will not suffer damage when operated continuously with the RF output connector either open or short-circuited.

**16. SITE IN THE NATIONAL PLAN FOR VHF/FM NATIONWIDE
SOUND BROADCASTING RADIO SERVICE**

Transmitters of the VHF/FM Nationwide Sound Broadcasting Radio Service shall be co-sited with the existing television service at Gharghur and shall use a master antenna system.

17. CHANGES TO CHARACTERISTICS OF FREQUENCY ASSIGNMENTS

- 17a. The characteristics of an assignment include frequency, station name, effective radiated power, polarisation and radiation pattern of antenna.
- 17b. In the final acts of the "Regional Administrative Conference for the Planning of VHF-FM Sound Broadcasting, Geneva 1984" there are procedures that have to be adhered to if a change in the characteristics of an assignment is envisaged.
- 17c. Some changes to the characteristics could be difficult and take a long time to process in accordance with the above mentioned procedures. The Authority should be advised as early as possible of any changes sought in the characteristics of the assignments so it can advise of any potential problems foreseen. All international co-ordination is the responsibility of the Authority.

D. SOUND BROADCASTING LICENCE FEES

1. APPLICATION FEES

- a. Applications for a nationwide sound broadcasting licence must be accompanied by a non refundable application fee of Lm2500.
- b. Applications for a community sound broadcasting licence (including for one-off events) must be accompanied by a non-refundable application fee of Lm50.

2. LICENCE FEES

- a. The annual licence fee payable to the Authority for a nationwide sound broadcasting licence will be Lm5000.
- b. The annual fee payable to the Authority for a community sound broadcasting licence will be Lm150.
- c. Licences payable to the Authority for community sound broadcasting services for one-off events shall be Lm50 per event.

3. PAYMENTS BY THE AUTHORITY

Twenty per cent of the above fees shall be automatically paid by the Authority to the Minister responsible for Wireless Telegraphy for technical assistance in relation to the applications and the normal servicing of the licence conditions.

Passed by the House of Representatives at Sitting No. 518 of the 7th May, 1991.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Acting Clerk to the House of Representatives